

IMPLEMENTATION OF THE VIOLENCE AGAINST WOMEN ACT

Y 4. J 89/2: S. HRG. 103-1084

Implementation of the Violence Agai... **ING**

BEFORE THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

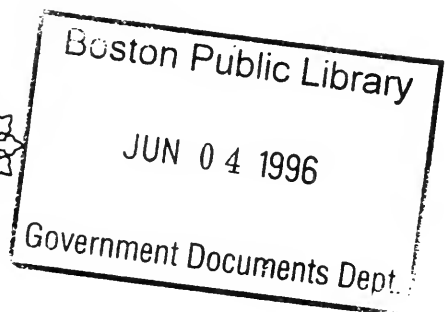
ON

THE IMPLEMENTATION OF THE VIOLENCE AGAINST WOMEN ACT PRO-
VISIONS OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT
ACT (PUBLIC LAW 103-322)

SEPTEMBER 29, 1994

Serial No. J-103-73

Printed for the use of the Committee on the Judiciary



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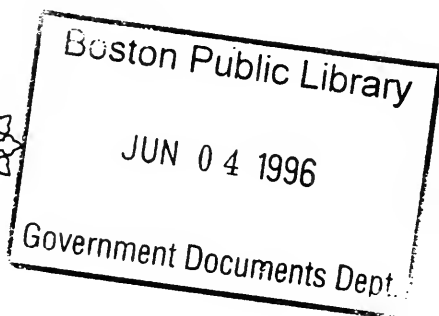
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IMPLEMENTATION OF THE VIOLENCE AGAINST WOMEN ACT

THURSDAY, SEPTEMBER 29, 1994

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC.

The committee met, pursuant to notice, at 1:10 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee), presiding.

Also present: Senator Kennedy.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

The CHAIRMAN. The hearing will come to order. I apologize to the witnesses for a late start. There are a number of amendments that are being proposed on the floor of the U.S. Senate to various appropriations bills, several of which relate to somewhat in the scheme of things inappropriately, but relate to the Criminal Justice System that I thought we already acted on, but there are those who wish to relitigate some of that. So I apologize for being late. I was trying to determine the timing.

After 4 years of holding hearings and talking about violence against women in this very committee, and 4 years after introducing the violence against women legislation, I am pleased to chair the first hearing on how to implement what we have done.

It has been a long, hard fight. It has gotten wide bipartisan support. It started off 4½ years ago with some of the women in this room being the only allies I had in the drafting of this legislation. In the beginning, even many of the women's groups were not enthusiastic about this.

It is a testament to, I hope, sound judgment and perseverance that not only have we passed the bill, but with overwhelming support, Senator Hatch, the ranking Republican, being a prime cosponsor of the legislation, as well as the vast majority of Republicans and Democrats supporting it.

Now, the second hard part begins. It would be a crying shame to have done so much and worked so hard and produced what all, even some critics, would acknowledge is landmark legislation in the area relating to violence against women and then not implement it. As my grandfather Finnegan used to say in a phrase we have all heard a thousand times, the devil is in the details, and the details are how we make this work for women in America.

As a law, the Violence Against Women Act puts everyone on notice that we will no longer tolerate the violence in the home and

the assaults on the street that continue to push the crime rate against women up and up and up, even as the overall crime rate has dropped. That is the anomaly here. The overall crime rate, if you take women as victims out of the equation, has actually dropped nationally, but it has gone up significantly against women.

The new law commits substantial Federal resources to those who fight this violence on the many frontiers that it appears. These resources will be used to further three basic goals: first, to turn the justice system into a mechanism that works for women, not against women, a user-friendly system, if you will; second, to take practical steps that will make women actually safer on the streets, in the workplace, and in their homes; and, third, to reform attitudes, attitudes that have allowed violence against women to flourish in this country.

Today, we will talk about each of these goals. We will look at the programs in which specifically trained police officers, prosecutors, victim advocates, and judges take this violence seriously and work aggressively together to punish those who are responsible for these attacks because many of the ideas for this legislation came from the so-called grass roots, came from people back in our home communities who were way ahead of the Federal Government, way ahead of their State governments, way ahead of everybody, in coordinating efforts that have proved useful for women in our society.

I know we will hear how the Criminal Justice System has too often let women down, but also about how the system can be made to work for women. The key as we move forward in implementing this new law is how do we make it work for women.

This hearing will also highlight programs that will provide immediate, practical, and important help to women that is needed now, not down the road in this 6-year program. For example, shelters provide women and their children not only the physical shelter and the ability to leave home in which they are terrorized—by the way, the vast majority of women don't leave now because there is no place to leave to. I ask the men who are listening, if they were in a similar circumstance and they knew they had to leave without any financial resources and with their children in tow, what would they do. I suspect the same as the vast majority of women who are abused at home do.

But these shelters are not merely shelters. They provide shelter for children as well as mothers, and they provide counseling and legal and other services, but most importantly a safe place to stay. Over the next 6 years, the violence against women law will mean that approximately one million more battered women and their families will have a safe place to go—an important and immediate step in the right direction, especially considering that today the United States, as you have heard me say many times, has more shelters for animals than we do for battered women.

In addition, we will also hear about what I believe is the center of the violence against women law, changing the attitudes that permit literally millions of women to be victimized. All of us can play a role in changing social attitudes toward violence against women. All of us must play a role in communicating this to our children that violence against women under any circumstances cannot and should not be tolerated.

Just as with antidrug education, we must take the message directly to American school children. We will hear today about the difference such education programs can make and have made, and I suspect we will hear one more thing from our witnesses, how much they need more resources to expand the help they already provide today so that they can reach many more women tomorrow.

With the resources offered by the Violence Against Women Act—a total of \$1.8 billion—we must replace not only what we haven't been doing, but we must replicate the very programs we are going to hear about today throughout this country. We now have a significant new tool to help us take this comprehensive approach to fighting all forms of violence against women, consisting of a broad array of legal and practical reforms that are doable now with this law.

The commitment of Federal funds—I said \$1.8 billion; that is what I started at; it is actually \$1.62 billion over 6 years—to combat family violence and sexual assault will make a difference, in my view. Among the things we will see within the new law once it is in place are, one, more States with mandatory arrest policies in family violence cases; more shelters to provide safe places for women and their children; more victims counselors who work with women through every stage of the process; special training programs for police, prosecutors, and judges about rape, stalking, and family violence; recognition that every State's protective orders—that is, those orders where they make and enter an order where they tell the boyfriend or alleged boyfriend or spouse or stalker, or anyone who is in, fact, victimizing a woman to stay away, known in the common parlance as stay-away orders—they, right now, are not enforceable throughout the Nation, but every State's protective orders issued in one State will be applicable in every State; more lights, cameras, and emergency phones at bus stops, subway stations, parking lots, and public areas that 35 years ago women did not have to frequent at night either because there were no opportunities for them in the workplace or because they chose not to.

The combination of opportunity and necessity has put millions of women in the same circumstance that men are, walking into parking lots at 11:30 at night, standing at bus stops at 10:30 at night, finding themselves having to access public facilities that they did not have to access before. One thing we found is that additional lights and cameras and emergency phones make a difference.

More States that pay for medical exams in sexual assault cases will be the result of this bill; mandatory restitution in the Federal system for those who commit sexual assaults against their victims; more education and prevention programs in our schools that teach our children that this violence is a serious crime that will not, cannot, and must not be tolerated; and what I think is the single most important piece of this legislation and what made it most controversial from the outset, and that is a civil rights remedy for victims of crime motivated by gender.

As our witnesses today will tell us, no law alone, however comprehensive, will eradicate sexual assault or family violence, but this new law is a major step in the right direction, in my view. It will mean that some women will not become victims, and those who do not will be much more likely to get the support that they

need, and those who do are going to be able to get much more support to deal with the victimization that occurs.

Now, our task is to live up to this promise and to effectively and efficiently deliver on all the opportunities this legislation offers. I welcome each of our witnesses today, and I thank you for coming here to share your experiences with us and help us shape the implementation of this law.

Today, I am releasing a report, "Turning the Act Into Action." The purpose of this report is like many others that I have put out; it is essentially a how-to guide. It is designed to help prosecutors, police, State legislators, and local officials to take advantage of what this law offers.

One of the most confusing things of Federal legislation is people will say, it is great, but how do I get it, how do we deal with it, how do we get the benefit from it, how do we make applications to be able to participate in what it calls for. That is the beginning that this "Turning the Act Into Action: The Violence Against Women Law" is intended to do.

The violence against women manual is designed to serve as an initial guide to putting the programs and significant resources of the law to work. It contains descriptions of the grant programs, eligible applicants, funding availability, and other mechanics of the Act. I will end where I began. As my grandfather would say, the devil is in the details. We have to make these details understandable to the people most able to benefit from the passage of this legislation.

Now, the first witness on the first panel is Mimi Rose.

As I call you, would you please come forward and take your seat?

Ms. Rose is the chief assistant district attorney for the Family Violence and Sexual Assault Unit at the Philadelphia District Attorney's Office. Before that, she served as a senior attorney at the National Center for the Prosecution of Child Abuse in Alexandria, VA. I might add she works at an office that I think has probably, and I mean this sincerely, the most aggressive and the most innovative district attorney in the country, who has taken a lead on this issues and others, but particularly this issue, without having to wait for any Federal guidance. Knowing the district attorney as well as I do, she is probably waiting to figure out how she gets a chunk of this money to get this thing moving.

Our second witness is Sam—is it Braca?

Mr. BACA. Baca.

The CHAIRMAN. Baca. I beg your pardon. You can call me Bidden, if you would like. [Laughter.]

Mr. Baca, please come forward.

Now, I am particularly thankful that Mr. Baca is here today because today is his wedding anniversary, and no matter how worthwhile the undertaking, if your home is like mine—and I must admit I would react the same way if it were reversed—if your home is like mine, your wife is probably wondering why you left Lakeland, FL, to come up to Washington to testify on her anniversary. So, not that it will be much help, but maybe I can get Cynthia Hogan, the chief of staff, to write a note for you that may give you safe passage back into Lakeland.

Mr. BACA. It might help.

The CHAIRMAN. I might point out that Mr. Baca is the chief of police of the Lakeland, FL, Police Department, and prior to his appointment he served 20 years in the city of Albuquerque, NM, police department.

Our third witness is Ms. Louise Kindley. Is that correct?

Ms. KINDLEY. Yes.

The CHAIRMAN. Come on up, Ms. Kindley.

I feel like the "Price Is Right" or something, you know. [Laughter.]

Ms. Kindley is a social worker at the St. Luke's-Roosevelt Hospital Center Rape Intervention Program. She is also an adjunct professor at the Columbia University School of Social Work—an editorial comment, one of the finest universities in the country, as well as finest schools of social work in the country.

Judge Albert Kramer will be the fourth witness on our first panel. Judge Kramer served as the presiding justice of the Quincy, MA, district court for 18 years before his retirement in 1992. During his tenure as presiding judge, Judge Kramer implemented the widely renowned Quincy District Court Model Domestic Abuse Program.

I thank all of you for being here. I sincerely appreciate it. Why don't we begin with your statements, if we can, in the order in which you have been called? We have this terrible little gadget here. Let me explain it to you. The only ones who understand red lights completely are the judge and the chief, but that green light means you are underway. The yellow light means you have got a minute left on your time. The red light means there is an ejection button here that we press and you fly up in the air. [Laughter.]

If you could, so we can get all the witnesses in and have time for questions, it would be appreciated if you would stay within the limit. If you wish to submit any documents beyond what you are able to speak to, we will enter them in the record as if read.

Ms. Rose, welcome. Thank you for coming down. Why don't you begin?

**PANEL CONSISTING OF MIMI ROSE, CHIEF ASSISTANT DISTRICT ATTORNEY, FAMILY VIOLENCE AND SEXUAL ASSAULT UNIT, PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, PHILADELPHIA, PA; SAM BACA, CHIEF OF POLICE, LAKE-
LAND POLICE DEPARTMENT, LAKE-
LAND, FL; LOUISE
KINDLEY, ST. LUKE'S-ROOSEVELT HOSPITAL CENTER RAPE
INTERVENTION PROGRAM, CRIME VICTIM ASSESSMENT
PROJECT, NEW YORK, NY; AND ALBERT L. KRAMER, PRESID-
ING JUDGE (RETIRED), QUINCY DISTRICT COURT, QUINCY,
MA**

STATEMENT OF MIMI ROSE

Ms. ROSE. Thank you, Senator Biden, and it is a pleasure and an honor to be here. As you have told the group, I am Mimi Rose. I am chief assistant district attorney of the Family Violence and Sexual Assault Unit in the Philadelphia District Attorney's Office.

Our specialized prosecution unit is responsible for all criminal cases of child sexual and physical abuse and neglect, domestic violence between intimate partners and family members, and all rape

prosecutions in Philadelphia County. Our unit has 15 prosecutors, 3 victim assistance coordinators, 2 paralegals, 3 secretaries, 3 detectives, a domestic violence counselor from a local women's resource center, and an indispensable group of undergraduates, law students, and graduate social work students who assist in our efforts.

I was asked to speak to you today about our unit and to share with you my thoughts about the most effective use of prosecution as a tool in addressing family violence and sexual assault.

First, I think that prosecutors must receive ongoing education and training about the complex and sensitive issues and dynamics involved in these cases. I advocate specialization, depending upon the resources in a given prosecutor's office, having one specialized prosecutor or two, or perhaps better yet a unit.

What we decided to do is not look at issues myopically and have a rape unit and a domestic violence unit and a child abuse unit, but take a holistic approach to violence in the family and sexual violence. The prosecutors who come to us do so on a volunteer basis and they are selected on their aptitude and on their ability to do this very difficult work.

Criminal cases of domestic violence are not legally complex. The offender typically relies on the victim not showing up for court as his best defense. If the complainant appears, the offender will often plead guilty, knowing that she will go through with the prosecution.

Beyond legal proficiency, prosecutors must understand the concerns that victims face and why some may be reluctant to testify. Prosecutors' offices must employ trained victim advocates and use local rape crisis centers and battered women's advocacy centers that can support and guide victims of family violence and sexual assault through the prosecution process.

We need to be able to contact victims early, provide them with information about the process, and give them referrals to counseling, if requested and necessary. We have to provide court accompaniment for them, supply them with information about victims compensation, and provide transportation and child care, if necessary, while the victim attends court hearings.

Our unit members have been trained to understand the interrelationship between child abuse and spouse abuse, and that sexual assault is often one episode of longstanding domestic violence. This understanding enhances our trial skills, our sentencing recommendations, and our overall judgment as to how to best protect the individual, the public, and hold offenders accountable for their actions.

Our training has been by community victim advocate groups, and this, coupled with our daily experience in the courtroom, has made us appreciate the escalating nature of abuse so characteristic of home violence. As a result, with Senator Specter's support, we created our domestic abuse response team.

This program selects seemingly less serious cases for enhanced vertical prosecution, those cases that are referred to as misdemeanors, and we look at them and when there are criteria present to suggest a great risk of escalating violence, we intervene with this program. The risk factors were taught to us by battered women's

advocacy groups. It is an early intervention program and it takes what we think is a successful proactive stance to crime. Sometimes, we call ourselves the homicide prevention unit.

Prosecutors' offices need to be user-friendly places. We must identify the needs of family violence and sexual assault victims and work together with providers of these services. Issues involving housing, counseling, and legal assistance in family court matters are just some of the many concerns of victims of home violence. We must also join with medical providers, clergy, educators, and civic organizations in collaborative prevention and public awareness efforts.

The potential for collaborative initiatives to improve the quality of life for individuals, families, and our communities is limited only by our vision. The saying, where all you have is a hammer, everything looks like a nail, is true. Aggressive, dedicated, well-trained prosecutors are the hammer. As a proud member of this profession, I think we are a necessary, often effective, but limited tool in problem-solving. When joined in partnership with tools of other disciplines, we can become architects to build a safer future for our communities.

Thank you, Senator.

The CHAIRMAN. Thank you, Ms. Rose.
Chief?

STATEMENT OF SAM BACA

Mr. BACA. Thank you. Good morning, Senator Biden and members of the committee. My name is Sam Baca. I am the police chief in Lakeland, FL, which is halfway between Tampa and Orlando. I was also the police chief in Albuquerque, NM, where I retired in April of 1990. In Albuquerque, I supervised approximately 1,200 employees. In Lakeland, I am happy to say I only have 300 employees.

Today, I will be speaking about domestic violence, one of the most feared calls that a police officer must respond to, and the reason for this is more officers are killed and injured on domestic violence calls than any other type of call. Further, the traditional response of law enforcement in domestic violence calls simply has not worked.

Overall, domestic violence is one of the most serious crimes in the United States. It is also one of the most underreported crimes. In this country, a woman is battered every 15 seconds, and between 2 and 14 million are abused every year in the United States alone. Between 95 and 98 percent of the victims of domestic violence are women. Two years ago, 28 percent of female murder victims were slain by husbands and boyfriends. Research has indicated that 40 percent of all homicides, male and female, are domestic violence-related.

In Florida, which is ranked number one in crime in the United States, one-third of all women who enter hospital emergency rooms enter on account of abuse. The true victims of domestic violence are not only the abusee, but more importantly the children. Most of them suffer emotional damage from observing the abuse, and even worse, they become abusers and abusees.

In 1992, in Florida alone, over 109,000 incidents of domestic violence were reported to law enforcement. There were 255 homicides, 3,334 forcible sex offenses, 24,000 aggravated assault and batteries, 79,000 simple assault and batteries, 2,136 threats and intimidations, and over 100 arsons all related to domestic violence. And we must remember that most domestic violence incidents are not reported.

As I indicated, the traditional response to domestic violence by law enforcement does not work, nor has it ever worked. In the past, in most cases, an officer responding to the scene did not want to be there. He felt that he was intruding in the family's private affairs and questioned his right to tell them how to conduct themselves. Officers operating in the traditional mode wanted to leave quickly. They would likely threaten that if they had to return, someone would go to jail. This rarely happened. What law enforcement did not recognize until the 1980's was, by failing to handle these calls properly, people were dying and being seriously injured, including law enforcement officers.

Domestic violence is a learned behavior. Most abusers and abusees were children of abusers and abusees. Research has indicated that this learned behavior can only be overcome by intensive counseling.

In 1982, I was the deputy chief in Albuquerque in charge of the patrol division. I had approximately 500 to 600 officers under my command. I was frustrated and didn't know what to do about injuries and deaths of officers responding to domestic violence. Equally important, I wanted to know what could be done about the death and serious injuries to citizens involved in domestic violence.

Research in the 1980's clearly showed that over 40 percent of all homicides were domestic violence-related. In Albuquerque, I was able to form a task force which included judges, district attorneys, shelter people, law enforcement, and other representatives of the community that handled domestic violence problems. This task force began meeting biweekly and then started brainstorming approaches on handling domestic violence.

We realized that the traditional methods did not work and we had to be innovative. No law enforcement agency can make the necessary changes alone. What we did in Albuquerque was make sure that judges became uniform in sentences that they handed down and that the sentences included intensified counseling. The district attorneys formulated policies that were uniform.

We in law enforcement took a different approach than we had in the past. We trained every officer in a different approach on how to handle domestic violence. We formed squads of officers that volunteered to receive 40 to 80 hours of training in understanding domestic violence and the proper approach to take in domestic violence cases. We trained these officers to go out in domestic violence situations and, if probable cause exists, to make an arrest. Our goal was to get the abuser and his family into intensified counseling.

We also added another dimension, the district attorney-funded counselors, who would respond at the scene of domestic violence when summoned by officers. By doing this, we lowered the homicide rate from 44 percent in Albuquerque which was domestic vio-

lence related to less than 17 percent. It works. I believe that more and more law enforcement officers are recognizing we have to change our traditional approach.

Thank you.

[The prepared statement of Sam Baca follows:]

PREPARED STATEMENT OF SAM BACA

INNOVATIONS IN LAW ENFORCEMENT'S RESPONSE TO DOMESTIC VIOLENCE

Good morning, Senator Biden and members of the committee. My name is Sam Baca. I am the chief of police in Lakeland, Florida, which is half way between Tampa and Orlando. I was the police chief in Albuquerque, New Mexico, where I retired in April of 1990. In Albuquerque, I supervised approximately 1,200 employees; in Lakeland, I'm happy to say, I have only 300 employees to supervise.

Today, I will be speaking on domestic violence, one of the most feared calls that a police officer must respond to. The reason for this is that more officers are killed or injured on domestic violence calls than on any other type of call. Further, the traditional response of law enforcement to domestic violence calls simply has not worked.

Overall, domestic violence is one of the most serious crimes in the United States. It is also one of the most *underreported* crimes. In this country, a woman is battered every 15 seconds. Between 2 and 14 million women are abused every year in the United States alone. Between 95 and 98 percent of victims of domestic violence are women. Two years ago, 20 percent of all female murder victims were slain by husbands or boyfriends. Research has indicated that 40 percent of all homicides, male and female, are domestic violence-related. In Florida, which is ranked number one in crime in the United States, one-third of all women who enter hospital emergency rooms enter on account of abuse.

The true victims of domestic violence are not the "abusee", but more importantly, the children. Most of them suffer emotional damage from observing the abuse, and, even worse, they become abusers themselves.

In 1992, in Florida alone, over 109,000 incidents of domestic violence were reported to law enforcement. There were 255 homicides; 3,330 forcible sex offenses; 24,000 aggravated assault and batteries; 79,000 simple assault and batteries; 2,136 threats and intimidations; and over 100 arsons, all related to domestic violence. And we must remember that most domestic violence crimes are not reported.

As I indicated, the "traditional" response to domestic violence by law enforcement does not work, nor has it ever worked. In the past, in most cases, the officer responding to the scene did not want to be there; he felt that he was intruding into the family's private affairs; and he questioned his right to tell them how to conduct themselves. Officers operating in the traditional mode wanted to leave quickly and they would likely threaten that, if they had to return, someone would go to jail. This rarely happened. What law enforcement did not recognize until the 80's was that, by failing to handle these calls properly, people were dying or being seriously injured, including law enforcement officers.

Domestic violence is a learned behavior. Most abusers and abusees were children of abusers. Research has also indicated that this learned behavior can only be overcome by intensive counseling.

In 1982, I was a deputy chief in Albuquerque in charge of the patrol division. I had approximately 500 to 600 officers under my command, and I was frustrated and didn't know what to do about the injuries, and the deaths, of officers responding to domestic violence calls. Equally important, I wanted to know what we could do about the deaths and serious injuries to citizens involved in domestic violence.

Research in the '80s clearly showed that over 40 percent of all homicides were domestic violence-related.

In Albuquerque, I was able to form a task force, which included judges, district attorneys, shelter people, law enforcement, and other representatives of the community that handled domestic violence problems. This task force began meeting bi-weekly, and we started brainstorming on approaches to handling domestic violence. We realized that the traditional methods did not work. We had to be innovative and agents of change.

I had been a member of a national task force on domestic violence for several years. Many police organizations were represented on the task force, as well as the victim services agency of New York City, the International Association of Chiefs of Police (IACP), and the Bureau of Justice Assistance of the U.S. Department of Jus-

tice. With this background, I was able to assemble a task force in Albuquerque and make changes in our approach to handling domestic violence.

No law enforcement agency can make the necessary changes alone. What we did in Albuquerque was to make sure that judges became uniform in the sentences they handed down and that the sentences included intensified counseling. The district attorneys also formulated policies that were uniform. We in law enforcement took a different approach that we had in the past. We trained every officer in a different approach to domestic violence, and we went a step further. We formed a squad of officers that volunteered and received 40 to 80 hours of training in understanding domestic violence and the proper approach to take in a domestic violence case. We trained these officers to go into a domestic violence situation and, if probable cause existed, to make an arrest. Our goal was to get the abuser and his family into intensified counseling. We also added another dimension; the district attorney funded counselors who would respond to the scene of domestic violence when summoned by an officer. These counselors would immediately make the spouse of the "abusee" aware of their legal rights and remedies and walk them through the process.

We know through research that domestic violence only escalates and that, sooner or later, someone is likely to be seriously injured or killed. That is why counseling is a necessity when it comes to domestic violence.

During the first two or three years of our Domestic Violence Program. Which we called the "D.A.R.T. Program", which stands for Domestic Abuse Response Team, we found that we had a major impact on homicides in Albuquerque. The first year we implemented it, homicides related to domestic violence dropped from 44 percent to 17 percent. We also found that repeat calls decreased, while first-time calls increased. We understood why. The reason was very simple; repeat abusers were being arrested, receiving treatment, and we no longer had to respond. First-time calls increased because citizens began to trust our approach and started reporting domestic violence. At the time, we made an arrest in 30 percent of all domestic violence calls that we responded to. This was unheard of. In the '80s, most departments would not even arrest on 10 percent of the domestic violence calls they responded to. We were able to change our homicide statistics as they related to domestic violence and, we believe, save lives and serious injuries from occurring.

In the 1980's, the Albuquerque Police Department became a model agency in the handling of domestic violence. Several national training films came out on our approach, and many law enforcement executives came to see our approach and take it back to their departments. As a participant in the National Task Force, we were able to get grants and train hundreds of police chiefs in how to handle domestic violence.

When I moved to Lakeland in 1990 and took on the police chief's job there, I found that domestic violence was alive and well in Florida. Many police departments were handling it in the traditional way. Judge Roberts and Judge Green on the Polk County Circuit Court learned of my involvement in the National Domestic Violence Task Force and asked me to help them develop a task force for the circuit. Once again, we brought in judges, the State Attorney, shelters, the Sheriffs Department, Police Departments, and other agencies and organizations that dealt with domestic violence. Once again, the "Task Force" approach has worked. Judges started making sentences uniform and requiring counseling to change behavior. We in law enforcement made it mandatory for our officers to make an arrest when probable cause existed. We took a somewhat different approach than we had in Albuquerque. Instead of having a squad of officers handling domestic violence, I trained four to six officers in each squad to respond to domestic violence. All other members of the Police Department also received training, but not as intensified as the "D.A.R.T. volunteers".

The State Attorney could not fund counselors as he did in Albuquerque, so we got volunteers. The Lakeland Police Department was able to recruit over 30 volunteers, and train them, not as counselors, but as "victim advocates". We called this volunteer group the "D.A.R.T. volunteers".

We also got the community involved, and that's what it takes. We went beyond involving just the participants in the violence; we involved all agencies and organizations, and that's what makes it work. Our victim advocates received training from the State Attorney, from professional counselors, and from other agencies that handle domestic violence, as well as from law enforcement.

Our approach in Lakeland has worked. It soon spread throughout Florida, and many other departments have followed our approach. In Lakeland, out of the 12 homicides we've had this year, only one has been domestic violence-related. We also found that the repeat calls *dropped* substantially, and first-time calls *increased*. Once again, citizens have faith in the system. Our arrest rate at Lakeland is between 40 and 50 percent on domestic violence calls. Almost half the time, someone goes to jail. In this way, we are assured that the abuser gets into the system and

receives intensified counseling, and, hopefully, the victim does not become a statistic in violence.

We can curb the violence against women in domestic violence cases if law enforcement, as well as the whole community, works together as a team.

I sadly report that most States have good domestic violence laws, but many departments are not following them. Many departments are still using the traditional approach that never worked.

We in the Lakeland Police Department feel that we can make a difference, that we can be "agents of change", that we can change the homicide rate as it relates to domestic violence; but all agencies, organizations, and citizens must be innovative and involved in the process if we are to accomplish this.

No law enforcement agency can "control" domestic violence, because the direct links to domestic violence are

- (1) Family values,
- (2) Education, and
- (3) The economic base of the community.

Law enforcement cannot control these variables. Who controls these variables? The community as a whole! Working together, can make a difference.

The Lakeland Police Department will continue our approach in domestic violence cases; and we know we can make a difference. We are hoping that, with passage of the crime bill, we can obtain grants to expand our approach. We feel our program utilizing citizen volunteers works, but we also know that counseling for the abusers is needed, and we would like to get full-time counselors to assist us. We have other innovative ideas to handle domestic violence, but, as in everything else our budget plays a very important role.

In conclusion, we believe that we will never be able to stop all violence against women. However, we can have a major impact. In order to save thousands of lives and tens of thousands of serious injuries to women, we must continue to be "agents of change" and develop programs that work.

We owe it to the citizens we serve to make appropriate investments in public safety. We can reduce domestic violence substantially by investing in prevention programs, such as those I have described today.

We in law enforcement thank you for this opportunity to testify and hope you take this testimony into consideration in funding the crime bill as it relates to violence against women.

The CHAIRMAN. Thank you, Chief.
Ms. Kindley?

STATEMENT OF LOUISE KINDLEY

Ms. KINDLEY. Good afternoon, Senator Biden. My name is Louise Kindley and I am a New York State certified social worker, and I have been working for the past 6 years at the Rape Intervention Program, Crime Victim Assessment Project, of St. Luke's-Roosevelt Hospital, which is located on Manhattan's upper west side.

Our program was established 17 years ago after a brutal and public rape occurred on the Columbia University campus, which happens to be located across the street from St. Luke's Hospital. This rape received extensive media attention and stirred a frightened community into action. Through the combined efforts of the hospital, the university, both faculty and students, and local residents, a rape intervention program was established.

It was initially a grass-roots program with a handful of hospital personnel and community residents volunteering their time and expertise. The program has grown to become the largest sexual assault program in New York City and one of the largest hospital-based programs in the United States. In 1982, funding from the New York Crime Victim Board and the New York State Department of Health enabled the program to expand our services to all victims of violent crimes.

The foundation of our program is a pool of over 100 female and male volunteers who are recruited from the community and trained to provide emergency room, crisis intervention, advocacy, and emotional support for survivors of sexual assault and their families. Our volunteers have become a vital link to the very diverse west side community. To date, the program has trained over 2,000 volunteers.

Our volunteers provide information about medical treatment, evidence collection, followup counseling, police reporting, and the legal system. They explain the options concerning these issues to survivors in the emergency department, and they also help them understand how the medical staff, the police, the courts, and our program can help them. Most important of all, they offer support, compassion, and an anchor in the midst of chaos. These extraordinary volunteers are the transitional link between a tiny cubicle in the overcrowded emergency department and our program.

Our staff offers followup individual counseling, advocacy, and referral free of charge to any crime victim. We see approximately 40 new clients each month and average over 2,000 client visits per year. The majority of our clients are survivors of rape, domestic violence, or incest. We also see individuals who have been physically assaulted, robbed, stalked, sexually harassed, and family members of homicide victims.

In addition, we offer short-term groups for rape survivors, battered women, and adult male and female survivors of childhood sexual abuse. We offer referrals for battered women shelters, housing, medical followup, and civil attorneys. We provide training and workshops for community groups, police precincts, schools, and health care professionals, and we often liaison between the survivor, the police, and the district attorney's office.

In this role, we help facilitate communication between our client and the Criminal Justice System either by helping the survivor understand complicated legal procedures or by advocating on the survivor's behalf when the system isn't responsive.

The CHAIRMAN. Excuse me for interrupting. How large is your staff?

Ms. KINDLEY. That is the next paragraph.

The CHAIRMAN. OK, thank you.

Ms. KINDLEY. All of this with a staff of 1 secretary, 2 fulltime social workers, 3 parttime social workers, and a parttime psychiatrist, the equivalent of 4.6 fulltime workers.

The CHAIRMAN. When do you sleep?

Ms. KINDLEY. We do that, too; we do.

The CHAIRMAN. That is amazing.

Ms. KINDLEY. We, the social workers, are all State-certified and licensed, and we have an accumulation of over 80 years of experience in the field of trauma therapy. Our program and many other programs like ours is overworked, understaffed, and on an extremely limited budget. We operate on a little less than \$200,000 a year. Our funding has not increased since 1989, although our operating expenses have increased substantially.

Recently, we have seen a huge increase in people seeking our help, especially survivors of domestic violence and incest. We are desperately trying to find ways to expand our services to meet the

needs of our clients, but the best we can do right now is tread water. In order to swim, we need more resources, financial, legislative, and judicial.

By passing the Violence Against Women Act, you threw us a life preserver and we are very grateful, but we need money to hire more counselors, to expand prevention programs in city schools and police precincts, and to better coordinate services with medical, social service, and criminal justice systems.

The mission of programs like ours is to ensure that every victim of a violent crime receives the support, respect, and protection that she or he deserves. We can do little to prevent violence, but with support, our clients can do a lot. They can put violent criminals behind bars. They can put the trauma of victimization behind them and they can become survivors.

Thank you.

[The prepared statement of Louise Kindley follows:]

PREPARED STATEMENT OF LOUISE KINDLEY

Good afternoon Senator Biden and Members of the Committee. My name is Louise Kindley. I am a New York State certified social worker and have been working for the past six years at the Rape Intervention Program/Crime Victim Assessment Project of St. Luke's-Roosevelt Hospital Center, which is located on Manhattan's upper west side.

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We offer referrals for battered women's shelters, housing, medical follow-up and civil attorneys. We provide trainings and workshops for community groups, police precincts, schools and health care professionals.

We are often the liaison between the survivor, the police and/or the District Attorney's Office. In this role, we help facilitate communication between our client and the criminal justice system, either by helping the survivor understand complicated

legal procedures or by advocating on the survivor's behalf when the system isn't responsive.

All this with a staff of 1 secretary, 2 full-time social workers, 3 part-time social workers and a part-time psychiatrist (the equivalent of 4.6 full-time workers). We the social workers, are all state certified and licensed and have an accumulation of over eighty years of experience in the field of trauma therapy.

Our Program (and many programs like ours) is overworked, understaffed and on an extremely limited budget. We operate on a little less than \$200,000 a year. Our funding has not increased since 1989 although our operating expenses have increased substantially.

Recently we have seen a huge increase in people seeking our help, especially survivors of domestic violence and incest. We are desperately trying to find ways to expand our services to meet the needs of our clients. But the best we can do right now is tread water. In order to swim, we need more resources: financial, legislative and judicial. By passing the Crime Bill, you threw us a life preserver and we are grateful. Now we need money:

- To hire more counselors;
- To expand prevention programs in city schools and trainings for police precincts; and
- To better coordinate services with medical, social service and criminal justice systems.

The mission of programs like ours is to insure that every victim of a violent crime receives the support, respect and protection she or he deserves. We can do little to prevent violence, but with support our clients can do a lot:

- They can put violent criminals behind bars;
- They can put the trauma of victimization behind them and;
- They can become survivors.

Thank you for giving me this opportunity to testify.

The CHAIRMAN. Thank you, and money is on the way.

Judge WELCOME.

Judge KRAMER. Thank you.

The CHAIRMAN. Senator Kennedy tells me you have forgotten more about this issue than most of us are going to learn. We are delighted to have you here.

Senator KENNEDY. If I can just take a moment, Mr. Chairman, Judge Kramer has been a long-time, warm friend going back to the days of my early years in political life when he was very much involved in the public life of the community, and has really been an absolutely extraordinary judge and someone who has really used his position in such an incredibly creative way to really come to grips with many of the acts of violence and the root causes of crime.

I think what he and District Attorney Bill Dellahunt have done up there in Quincy has been absolutely extraordinary. Many of the things, as you know, Mr. Chairman, that we have included in the legislation were from Judge Kramer—

The CHAIRMAN. Your name has been taken in vain more than once over the last 4 years by this man in writing this legislation.

Senator KENNEDY [continuing]. And others as well. I have great respect for all of our panelists.

We have a situation where Massachusetts has a very strong law, and looking at the most recent times where a number of dismissals have taken place is also troublesome. I know that Judge Kramer will talk about what he has been doing, what District Attorney Dellahunt has been doing, and what the police and the probation officers and the whole community have been doing.

I just want to thank the chair for an extraordinary panel. We have really got individuals who have really paved the way when this whole issue did not have the visibility, and because of, I know, the judge's actions, and the other members, there are thousands and thousands of lives that have been saved, and I think it has been an extraordinary success story. Given where we have to go and the rest, it is still enormously challenging, but I think you have really given many of us a great deal of hope.

Judge we are delighted to have you.

The CHAIRMAN. I should point out for the record, we pass laws in the Congress called truth in lending; we pass laws requiring banks to do that. We pass laws that we call truth in sentencing. It may be time for me to make the record clear in terms of truth in legislating.

The truth is this legislation is modeled after what you started about 22 years ago, and the activity on your part on behalf of civil rights issues and your suggestion that it is time that it be extended to women, although I was the guy who actually sat down, because he left job—see, he had this job. He took over one of those easy jobs heading up the Labor Committee and taking care of health care and things like that.

Senator KENNEDY. I wish we had had your success that you had with crime.

The CHAIRMAN. Well, you know, I mean this sincerely. Excuse me for the editorial comment, but the reason I think we didn't have the success is because you had done about 12 years' spade work on the Violence Against Women Act and other issues in the crime bill.

The fact of the matter is, Judge, and I mean this sincerely, part of the problem, in my view, with the health care legislation is this is the first President, and you Senator Kennedy are the first Senator, who tried to call the public's attention to this and get us to debate it. The debate has only begun, but in 1976 you wrote the Sentencing Commission law; you are the guy who changed the Federal standards.

We don't read about people being let out of jail at a Federal level committing crimes, not having served their sentence. That is because you wrote it. You drafted the first one of these bills. I picked it up, but you had done about 12 years of spade work on this, including dealing with violence against women.

So I really mean this sincerely. I think the reason why I have not lost hope about national health care is this is the first time we have actually gotten it on the agenda. You have been fighting to get health care on the agenda for 20 years. This is the first time it ever got on the agenda.

You put this on the agenda 12 or 14 years ago, and we went through all the right-wing stuff and all the malarkey about how this was awful. When he first introduced this concept, every right-wing group said we are interfering with the family, we can't do that, just like your police officers would say. He is the one who took all the heat. I just came along and ended up finishing it up, but that is why I am hopeful about health care.

Now, we have got to implement this so we don't convince the people that, although we have something with great promise, we can't

deliver on the promise, and now is the time to deliver on the promise.

Judge I apologize for the digression.

Senator KENNEDY. I enjoyed it. [Laughter.]

The CHAIRMAN. Well, look, it is simply true.

Judge KRAMER. I was about to say I enjoyed the Senator's remarks, as well.

The CHAIRMAN. Judge, go ahead.

STATEMENT OF ALBERT L. KRAMER

Judge KRAMER. Mr. Chairman, thank you, and to my senior Senator, I want to tell him that I appreciate his very kind and generous remarks. However complimentary they were, and the degree was very much, they do not half reflect the admiration and gratitude all of us have in the Criminal Justice System for the work that Senator Biden has even touched upon. And this is very unlikely, but if in the distant future you should have a tough race, please call on me.

Mr. Chairman, thank you for inviting me here on probably what is one of the most significant issues of the day, and we all owe you a great deal of gratitude as well. I was heartened by your statement because I can tell you from our experience at Quincy Court we can lend support to what you are advocating, and that is that if a community takes the initiative to involve all the actors in the criminal justice process in the community—the police, the clerks, the district attorneys—and I also join in in complimenting our district attorney, Mr. Dellahunt—the judges, the probation officers, the victim advocates, the treatment community, the shelters, and the rest—and if they put up, as they can, and put on a whole full-court press, so to speak, to put a shield of safety around victims, you can significantly cut down the deaths and the killings and the serious injuries. We can attest to that, so we are here basically to just urge you to continue the effort that you have made.

The good news is that we have done that somewhat in Quincy and we have accomplished those ends. The bad news is, as you look across the Nation, although there have been significant efforts, and we have tried with the legislation you have passed here and the abuse prevention acts enacted in almost every State—in spite of this, the courts are still failing, as the Senator points out, to protect women from this kind of violence. We still have two million women seriously injured each year. We still have 35 percent of the homicide rate because of a husband or significant other, 40 percent by a family member.

Talking about health care, which the Senator, as you point out, has worked so hard to bring about, 20 percent of visits to the emergency ward are from domestic violence victims coming for treatment, and that is also a health care issue as well as a criminal justice issue.

The reason, I suggest, that this is occurring is because there are major misconceptions in the court systems that have to be corrected that the model program that you are advocating can correct. What we are seeing is a substantial increase in restraining orders, but at the same time while they are relying on that, we see signifi-

cant numbers who are violating those restraining orders and they are not called to task.

As the Senator pointed out, women come to court and then the cases are dismissed, prosecutions are dropped, and even if they are convicted and put on probation and violate conditions, those conditions are not enforced and the violators are not brought in to be accountable for their actions.

The misconceptions are how dangerous the abuser really is and what it takes to change their behavior, how vulnerable the victim is and what it takes to support and empower them, and how intimidating this court system can be and how complex to a victim coming to the process, unless that system is made more user-friendly. So we engaged with the district attorney, the police, and the entire community in an effort and initiative to control the abuser, empower and support the victim through the process, and make the system, as we point out, user-friendly.

We begin—and I will go very briefly, respecting your time, although I shouldn't be punished for responding to the compliment of the Senator, and I hope you will give me that.

The CHAIRMAN. No, no; as my staff said, you had a fresh clock.

Judge KRAMER. Thank you. I sincerely appreciate it. So the next ½ hour, I am sure, will be—

The CHAIRMAN. Not a problem, Judge. I never take on judges.

Judge KRAMER. Thank you very much. I only need a few minutes.

The question is how do you make the courts user-friendly; how do you support victims coming through the court. We began by starting off first with the fact that they have got to know their rights. They come to court and they say, go get a restraining order. The victim comes in and that is what happens. Nobody tells them that you can get a support order.

As you point out, a lot of victims drop their cases and don't vacate the home or get the abuser out of the home because many of them don't have any place to go. Also, 60 percent of the cases we see in courts rely on the support of the abuser. Unless the courts provide that support order, then they can't leave because there are economic deprivations that they are not going to be able to sustain.

They should know they can get no-contact orders. They should also know that they have a right, and this is serious, to get a criminal complaint, and this is very major. They come in; 78 percent of these cases, I tell you from our study, are crimes when they come in for restraining orders—assault and battery, what have you. Yet, they get a restraining order. That is like telling a robber of the bank when they come in, hey, here is a restraining order, don't rob again. Would we ever think of doing that, or assaulting somebody on the street and going and getting a restraining order—don't assault again? Yet, we do this with domestic violence abusers.

You just passed a bill called three strikes and you are out. I think here in domestic violence it would be one strike and you are in. You are in for sanctions, you are in for supervision, and you are in for compulsory treatment until you change your behavior.

Kicking in the Criminal Justice System means the police have got to tell them they can get a complaint; the clerk has to tell them, the advocate has to tell them, the person giving the inter-

view has to tell them. We conduct full briefing sessions. A district attorney comes in the court before the hearings to give a full briefing session to tell them they can ask for many, many things, including this particular act.

Also, we discovered that 25 percent of these victims have been abused or threatened by abusers who have guns and weapons. Even though they may come into court on that occasion because they merely got hit in the face—and I mean that in quotes, of course—we ask them, does he own a gun, did he ever threaten, and if so, file a restraining order to take that gun and that license to carry away. So these are the things that are important.

In the briefing session with victims, because we know a great number of them have been abused as kids and we know that 60 percent of them have grown up in alcoholic homes and have 71 percent addicted partners, if we can get them into Al-Anon, if we can get them into other survivor support groups that tell them they don't have to live with this person, they make the right choices and they are empowered.

I will leave for questioning some other services for victims, but now the abuser. I can tell you and my distinguished Senator from Massachusetts that more than any other violators, any other perpetrators of violence, the domestic abuse perpetrator is the most tenacious in their pursuit of their victims and the most resistant to court orders to curb their violence.

They have a sense of entitlement over the person they live with. As Dr. Murray Strauss said in New Hampshire, it is as if a marriage license were a hitting license. They are extremely jealous. They have poor impulse control, they have anger control problems. As you point out, they stalk, they have their victim on their radar screen continually. They are highly addicted.

To deal with that abuser, it is important that immediately we get them into the system. A proarrest policy by police or mandatory policy of arrest, as we have passed in Massachusetts, is vital. When they are brought in, a proper bail hearing on prebail probation should be held.

We should have a fast-track scheduling system. If you went to a hospital, you don't wait in line if you have a heart attack behind somebody waiting to patch up a cut. You send them to the front of the line. These cases should be tried very quickly.

I will end with one situation. There should be zero tolerance for violations. Quincy became, I guess, noted when "60 Minutes" did a piece and when "Donahue" did a piece. They said, is it true that when you had an abuser on probation and that abuser sent roses to the victim and there was a no-contact order you put them in jail? And the answer was yes because roses or messages of that type say I am still empowered to violate this order, and we never hesitated to move very quickly to move to put the sanctions and controls. That takes a lot of people doing that.

The treatment people, the last piece—I keep promising and keep going. I apologize, but the last piece is conditions of probation. If you have a highly addicted perpetrator who has an anger about women, then you have got to send him to two programs. You have got to send them to the program to deal with their addiction and you have got to send them to a program of batterers treatment,

and to do that you need the community folk to do that. So it is a big effort by a lot of people, but I can tell you the good news is if it is done, it can achieve results.

[The prepared statement of Albert L. Kramer follows:]

PREPARED STATEMENT OF ALBERT L. KRAMER

MR. CHAIRMAN AND MEMBERS OF YOUR DISTINGUISHED COMMITTEE: I want to thank the Committee for inviting me to provide testimony regarding one of the most vital issues of our day: protecting women against domestic violence. Our experience in the Quincy District Court in Massachusetts, has shown that we in the courts and the criminal justice system can achieve significant results in protecting women from domestic violence. However, to do so, we must frankly face the conditions that exist today.

The truth is that in spite of all our efforts thus far, and they have been considerable both on the national and state levels, the justice system has not done well in protecting women from violence in their homes.

The current response of courts in general to women seeking protection from abuse is to merely issue legal restraining and stay-away orders against abusers. Unfortunately, the courts' experiences are consistent with studies documenting that these orders are routinely violated and unenforced by the courts. Also, these orders, even when complied with, only serve as a form of crisis intervention and experience shows that once the crisis has subsided a large number of victims return to live with their abuser without ending or altering the violence.

The good news is that the number of restraining orders issued by the courts throughout the nation have increased dramatically as a result of the enactment of Domestic Abuse Prevention Laws throughout the country. The bad news is that a large percentage of abusers violate these restraining orders and are neither arrested nor prosecuted to the fullest for such violations. What's more, in a large percentage of cases, victims dropped their restraining orders and criminal complaints prior to trial although all evidence pointed to continued abuse (i.e. new arrests and requests for restraining orders).

To determine why this was taking place, I directed that an exhaustive survey be conducted by interviewing women seeking restraining orders in the courts in order to better understand what was involved in their cases. The survey was conducted by Dr. Ruth Kramer and was completed in 1986. It revealed that these cases were very serious, in fact life threatening. The average woman seeking help from the Court had suffered five to ten years of severe physical abuse before seeking court protection. We also found out that 25 percent of the abusers had guns which the majority used to threaten their victims. Most of the abusers had criminal records and serious alcohol and drug abuse problems. It was clear they would need immediate sanctions and significant controls as well as treatment.

From the woman, we learned that 60 percent grew up in alcoholic families and their physical and sexual abuse had often begun in childhood, severely compromising their coping skills to later deal with their abusive and addicted partners. Therefore, it was clear that any effective program would have to be geared to providing support and empowerment to these victims. We also learned that the legal process was cumbersome and intimidating to the women seeking help.

As a result of the study, we decided upon our dual strategy of empowering the women victims and controlling male abusers. Our objectives were:

- (1) To make the process easier and assist women to make use of a range of available criminal justice interventions;
- (2) To empower women victims by offering services and support as available;
- (3) To see that domestic violence cases are not dropped for want of prosecution or victim ambivalence;
- (4) To hold all abusers accountable for their behavior through tight supervision;
- (5) To return to court all offenders who do not adhere to court orders or threaten continued violence toward their victims for immediate and appropriate sanctions.

In 1986 we initiated the Quincy Court Domestic Abuse Program which strove to obtain these objectives.

Over one thousand battered and abused women come to Quincy Court each year seeking legal remedies to provide safety and protection for themselves and their young children. The Quincy Court Domestic Abuse Program combined innovative

approaches and policies that not only provide maximum protection but also assist victims to help them end the violence in their lives. The program has a two prong purpose:

- (1) The control of the abuser through creative sanctions, intensive supervision and specialized treatment; and
- (2) Empowering victims by creating a user-friendly process, an array of comprehensive direct services and referrals to provide support and assistance. The program is also unique in uniting all the actors in the process (police, prosecutors, judges, probation, shelters, advocacy groups) and providing formal on-going training for a combined maximum response.

For the victim, the program has made the process "user friendly" with the following activities:

- (1) A private office staffed by women specially trained to assist the victims of domestic violence;
- (2) A daily briefing session with brochures to explain to victims their rights as well as how the court works so they may utilize the law effectively in securing maximum protection;
- (3) Two special court sessions are held each day to expedite hearings and minimize waiting;
- (4) The domestic abuse victims assistance office that refers women to support groups conducted by the Program, as well as referrals to Al-Anon, shelters etc.

To control the abuser, the program has:

- (1) Tight pre-trial probation to insure victim protection pending trial;
- (2) Fast-track court scheduling to insure speedy trials;
- (3) Routine confiscation of weapons;
- (4) A specially trained probation enforcement team;
- (5) Strictly enforced sanctions including saturation surveillance in the community, mandatory orders of alcohol and drug abstinence monitored through random testing;
- (6) Speedy-revocation hearings for violators with immediate sentencing ranging from short shock to longer term incarceration.

I can not stress enough that strict control and immediate sanctions in response to violations of probation conditions and court orders by abusers are vital to protect victims from further violence. In general, the courts and the criminal justice system have underestimated just how dangerous abusers can be and what it really takes to stop the abusive behavior from continuing and escalating. Professionals in the field will tell you there are some things that all batterers have in common. There are serious issues of anger and impulse control. In general, they have low self-esteem and have grown up in homes where they themselves have been abused, or have observed the abuse of others.

Batters hold a rigid traditional view of sex roles. They have a strong sense of entitlement, and they are extremely jealous of their mates. A study done through the Quincy Court showed that 70 percent of the abusers have problems with alcohol, and even more are addicted to other drugs. So not only do they have control problems in terms of their anger towards women, but they are also out of control with their addiction, which makes it doubly difficult. There is a strong denial and minimization of their responsibility for the harm they've done. They have little respect for court orders and they seek all possible ways to circumvent restraining or no-contact orders.

Like any other judge, I have dealt with a lot of different types of offenders, and I can sagely say that batterers, in general, are the most tenacious of all in resisting court orders to stop or curb their violence and the relentless pursuit of their victims. We must learn to recognize these characteristics which generally profile the batterer if we are going to be able to effectively control their violence. Batterers must be made to learn to take responsibility for their acts and be accountable for their actions.

A Program like Quincy's that is multifaceted and unites all the participants in the process to work together to protect victims can achieve significant results.

- (1) *Less Homicides*: In 1991, the seven cities and towns of the Programs's jurisdiction (which make up the majority of Norfolk County) had 0 domestic homicides. By contrast, Essex County with a similar population and size had 15 domestic homicides (Report, *Boston Globe* 3/2/92). When I retired

from the bench on January 1, 1993, there were still 0 domestic homicides in the courts jurisdiction.

(2) *More Protection*: The number of women seeking protective orders has increased every year since the Program began, reaching 1,478 in 1991, doubling since 1986. A recent study comparing Quincy with a neighboring court documented that women in Quincy do not drop their orders in 82 percent of the cases compared to only 55 percent who do not drop in the other jurisdiction. When I retired from the bench on January 1, 1993, Quincy Court had the lowest drop order rate in Massachusetts.

(3) *Completion of Compulsory Treatment of Batterers*: An EMERGE study released of its 1991 referrals from the Court, documented a 36 percent completion rate for its year long, intensive program. This figure, according to EMERGE, is over one and a half times the completion rate in a much shorter court-referred treatment program (12 weeks) in Milwaukee studied in 1991.

Our most important achievement to date, as noted has been the increased protection of women threatened by abusive partners. We have accomplished this by empowering them to either terminate abusive relationships or terminate the abuse in their current relationships. More women are coming to court, more are appearing for court hearings and not dropping cases, more are entering support groups and taking out criminal charges (three times any other state court), more are cooperating with the prosecutor and probation office to monitor abusive males for compliance with court orders. More males are being charged in criminal court for domestic violence and noncompliance with restraining orders, more are being rigorously monitored by probation; more are in intensive male battering treatment; more are achieving sobriety through mandatory substance abuse treatment and testing, and more are being surrendered to court for enforcement of the above.

But the best indicator of this achievement comes from a shelter in Brockton, outside our jurisdiction, where a victim stated in a support group that she could get protection at the Quincy Court.

The Quincy Court is very replicable. Almost all states have similar civil and criminal statutes in place to combat domestic violence. Almost all states have similar resources and the potential to develop victim support groups and services, male batterers treatment programs, and have existing probation resources that can institutionalize the policies and procedures we have developed in Quincy. I would strongly urge the Committee to utilize existing legislation and funds to provide incentive to help initiate similar programs throughout the country.

The CHAIRMAN. Thank you, Judge.

The purpose of this legislation is to accommodate—again, I wasn't being solicitous when I said earlier that Senator Kennedy and many of you, not individually—I know none of you individually, except I know Lynn, your boss, well, Ms. Rose. This legislation was patterned after, at the suggestion of Senator Kennedy and others, trying to accommodate empowering you all to do more of what you do.

I want to make two statements before I ask the questions so that there is a context in which I ask my questions. The legislation and what we set out in a preliminary fashion in this document, which I would like you all to have a copy of, is that we—I met yesterday with the Justice Department. One of the things we wrote in the legislation is we want someone who will head up at the Justice Department this office, a separate entity to deal with implementation of this legislation.

Now, the Justice Department is well underway. A lot of you will be very shortly receiving information from the Justice Department. The advocate groups, U.S. attorneys, district attorneys, attorneys general, chiefs of police, mayors, city council persons, judges, et cetera, will be receiving information as to how the process works.

For example, Ms. Kindley, you indicated that you need more money. The way the law is written, these grants to combat violence will go to nonprofit groups, victims groups. They submit applica-

tions to the States, but the States submit overall applications for grants to deal with this problem, and the Federal Government puts up 75 percent of the share and the States put up 25 percent of the share.

For groups like yours, an integrated entity that deals with problems in the nature you have suggested, we have written into the law a presumption, a prejudice, if you will—although it is a lot of money, \$1.6 billion-plus, it is still limited funding for what needs to be done—that the Justice Department look to funding integrated programs because everything that Senator Kennedy has taught me over the years and everything that we have heard from all the hearings we have had is that those things work best which are integrated, or, as you said, Ms. Rose, have a holistic approach to it, where you don't just deal with one piece of it, like, for example, your unit in Philadelphia, which I think is—I am not being parochial because it is sort of our adopted city, but it is really a first-class operation.

Now, everyone doesn't have the resources or the ability to do what you have done, so let me ask a few specific questions about how you think this would work best; "this" meaning the legislation, how it can be best taken advantage of to do what all of you said.

The interesting thing is I don't know whether you all knew one another before today, but you all said the same thing. You have got to integrate. You talked, Chief, about making sure you are integrated with the social workers in the community, the judges, the probation officers. You have all said the same thing.

How important is the proarrest policy we have written into this law? Now, Massachusetts wrote it into their law. Other States have similarly done that, but does that in and of itself have a positive impact on the willingness of victims to follow through? Chief?

Mr. BACA. Senator Biden, no question in my mind. Most police chiefs that have been looking at domestic violence—it should be mandatory. We have learned through research since the mid-1980's that the more arrests you make, the more the repeat calls lessen. If you don't make those arrests, you are going to keep going to those repeat calls.

Now, what happens is your regular calls for service for domestic violence go up, and the reason it goes up is the victim now has faith in the system and they start reporting it. Most domestic violence incidents are not reported unless it is a serious injury or death.

The CHAIRMAN. Explain for the record what you mean by proarrest policy so we know we are talking about the same thing.

Mr. BACA. Most States follow the model domestic violence act that was created in the 1980's which gives the officer the empowerment to make an arrest without observing a violation. In other words, if a woman was battered and the officer went to the house and had probable cause that she was battered, he could make an arrest.

The CHAIRMAN. Even if she did not swear out a complaint?

Mr. BACA. Correct. It makes the State the victim, no longer the spouse the victim, and that is the important part because the woman is in a very tough situation. If the spouse is arrested, how

is she going to support herself and the children, and what is going to happen when he gets out?

The CHAIRMAN. But you arrest him anyway, so is it that it gives the woman the ability to say, John, it wasn't me, I didn't do this? I mean, is that sort of the cover, in effect, we give, in the best sense of the word? I mean, why does it work?

Mr. BACA. Well, first of all, I think you are right that it takes the woman out of the limelight, saying, look, I didn't want you arrested, they arrested you because of the law.

The CHAIRMAN. Right.

Mr. BACA. But most important, we discussed that domestic violence is a learned behavior and you have got to unlearn this behavior. I think what most progressive agencies are doing, working with the judges, is they are giving intensive counseling to unlearn this behavior. So I think that is the most important part.

If you have mandatory arrest, your repeat callers will decrease, and that is important because research has once again shown that domestic violence escalates; it gets worse, from arguing, to simple batteries, to aggravated batteries, to death. So I think it is very important that you get that abuser into the system.

Judge KRAMER. I would add a couple of things to the chief. First of all, historically there has been a gender bias in terms of considering domestic violence as domestic disputes. The husbands consider that. The police come and, if they haven't got into the new culture, believe that. The arrest at least establishes as a norm that this is a crime, so you begin at least with norm-building.

Number two, you point out rightfully that a lot of victims have ambivalence at that time. On the one hand, they want to be protected, and on the other they are not sure they want to go forward. Yet, the best thing is to get it in the criminal process. So by having a mandatory arrest—for instance, in Massachusetts, if you already have a restraining order, they must arrest—or a proarrest policy where there is probable cause to believe the incident took place, while the police officer has discretion, the presumption, the bias, if you will, using your word, Senator, is to make the arrest and get them into the system.

This starts the process because without the criminal sanction, then the person gets enabled and empowered who does the abusing into believing there really isn't any accountability for their acts, and then, as the chief points out, it tends to continue and escalate.

The CHAIRMAN. Ms. Rose, let me ask you, how much difference has it made—this may not be quantifiable, although it may be—how much difference has it made the training that you have given the prosecutors?

It has been 100 years since I was a public defender, and one of the most difficult things to watch was, especially in offices—your office actually prosecutes more cases a year, meaning the Philadelphia District Attorney's Office, than the entire Federal system does, just to put it in perspective. If I am not mistaken, you prosecute over 28,000 felonies a year, and so obviously you don't have enough prosecutors to do that, no matter how big you are.

How has training prosecutors—and as I understand it, you not only train them on domestic abuse, but the interrelationship between child abuse and spousal abuse and sexual assaults. How has

that affected anything? I mean, what tangible change has occurred as a consequence of that?

Ms. ROSE. I don't know how we would do it otherwise.

The CHAIRMAN. Well, most places do it otherwise.

Ms. ROSE. Well, I suppose they do, but I don't know how. I think for street crime, when people don't know one another, when there is no relationship, then just knowing how to be a good, hard-nosed prosecutor is probably enough.

In these issues when you are dealing with persons who know one another, who have had longstanding relationships with one another where there is a psychological dynamic that is happening, if you don't understand that, you are not going to know how to talk to the complainant and you are going to lose her. You are also not going to be able to convince a jury why she didn't leave or why she didn't provoke or why what is going on is manipulative on his part. I think that prosecutors who deal in this area have to be psychologically-minded and understand.

Typically, what we would see is we would see a case of domestic violence where a child would be injured, and because people didn't make the connection we would call it child abuse and we would miss the context in which the child was injured. At the time of trial, the mother wouldn't come in to support her child and we would say what a terrible mother, where, in fact, if we had training, which we now do, to understand the complex dynamic that was going on, we could have had support for her, and I think have had a more successful outcome.

The CHAIRMAN. Now, let me ask you a very practical question and, Ms. Kindley, would you respond to this as well? What happens in the fourth of fifth largest city in America and the medium-sized city in America—and you are in the largest city in America in New York City.

What happens from the time, in Philadelphia, that a woman picks up the phone and dials 911 and she says, you know, my husband, my significant other, is back and he is breaking down the door, or whatever—obviously, what happens is a police officer gets dispatched. From the moment that happens, take me through, if you will, Ms. Rose, the process.

What kind of hands-on treatment is there that allows her to get to the point that Judge Kramer talked about where she understands the remedies available to her? Do you suggest the remedies? Do you wait for her?

One of the things I was very involved in was the CASA program for children who are victimized because we found after a lot of work done, again, by the Labor Committee and Senator Kennedy and Senator Hatch, that a kid gets into the system and is scared to death and doesn't know how to go through the system. So we have these folks, this CASA program, that takes someone through the system.

It seems to me that women in this circumstance, in effect, have to have somebody take them through the system. They aren't children. I don't mean to make that analogy, but with all of the psychological pressures that are on them, it seems to me it is awful complex.

How does it happen? Walk me through a serious case of domestic violence. The police are called on the scene. When does your unit get involved and what do you do?

Ms. ROSE. Well, Senator, in Philadelphia we are fortunate in our police department—and the police are really the first response. We have domestic violence teams within each police division, a minimum of two officers, one uniformed police officer, one detective, one male, one female, that work together. They supervise and they liaison with all the domestic violence cases with our office and with the victim.

It is their responsibility at the time of the arrest to provide notification to the victim about what is going to happen in the process. Part of that notification is to alert her to domestic violence crisis centers, to advocacy groups, to numbers for hotlines, if she is in need of shelter, and information about what will happen in the process next. That is a written notification that police are required to give.

After the arrest, we have victim advocates who try to contact the complainant within 24 hours—it is usually 48—of the arrest, again to make contact, to find out whether there is any harassment, any intimidation. If there is a problem, she is then informed of what happens next in the process.

At the first court date, we have victim advocates both from within our office and from local domestic violence groups and rape crisis groups in the courtroom for education and for counseling. The need for information is critical. The court system is very complex in these areas. There are many issues, particularly with domestic violence—custody, support, protective orders, criminal cases. It is a very confusing maze.

The CHAIRMAN. What I worry about, and I realize this is extremely difficult, but the women who have asked me—because of the profile on this issue over the years, I will actually get calls in my office, after the arrest, for me to intervene, or my office to intervene, as if they had called the district attorney's office or called the judge or called anybody. I get a call.

One of the things I often wondered about is, and I assume it relates to resources, that the time between—and I would like to know what your experiences have been in this regard. Assume there is a proarrest policy, or assume the woman will swear out a warrant. Almost always, that guy is out on bail before she is back home. Before she is back home from the hospital, he is home.

The first thing is lots of times there is not an order issued at that moment. In other words, he goes to jail. There is an arraignment and bail is posted within a certain amount of time. Now, there is no stay-away order, there is no protective order lots of times then. She gets back from the hospital and good old Charlie is sitting in the living room. Then a couple of days go by in most jurisdictions before anybody is in contact with her because this is such a big problem in terms of the scope and the number of people.

By the time they get to see your folks, Ms. Kindley, in most places we are 2, 3, 4, 5, 6 weeks, maybe longer, down the road. By that time, the bruise may have healed, the fear has grown deeper, and the reluctance has become more intense to go forward.

I don't know whether this is possible, and I will end with this. This is actually a question, believe it or not. At the outset, if that woman immediately got a phone call from a victim advocate or someone who knew the whole picture who said, I would like you to come in to my office tomorrow morning, or I will come out to see you at such-and-such a time, and sat down and said, now, here is the deal, I want to explain to you—first of all, tell me about how bad this has been, tell me what the situation is. Was this a single incident? Is this the only thing that happened?

Secondly, now that I have that straight, I am going to have you go see, you know, Joan Smith over here because there is a shelter over here and I want you to go look at it and see if you are comfortable being able to move there right away. And we can do this, and we can go into court within a certain amount of time and get a support order and get a protective order, and so on. I don't get a sense that there is any place—is it just impractical to do that?

Why don't you let Ms. Kindley answer? She hasn't spoken yet. Let her respond, and then I would like each of you to respond.

Ms. KINDLEY. What we do know is that the most common first entry point for a battered woman is a hospital. By the time she gets to the point where she has called the police, we are probably talking about a woman who has been battered many times before. The first she is likely to go for any kind of help is the first time she goes to an emergency department, but she is not likely to present herself as a battered woman. She is likely to say that she got hit by a door, the usual kinds of excuses.

So in some ways I think that the focus on the emergency department and the medical system, when you can reach people very early who have come for the first time—you train doctors to recognize these kinds of injuries, which, according to the doctors I have talked to, are not difficult to recognize, but the doctors hesitated to say anything because they didn't know what to do about it and they didn't know where to refer people, and they didn't therefore want to get involved.

If we can identify them immediately in the emergency department—and part of the thing that we want money for is to develop a program so that we can train our volunteers to advocate for battered women as well. They can be there at the hospital with them. They can talk to them then about the options. They can offer support at that stage, hopefully before the situation at home has escalated to the point where the police end up being called.

The other thing that we know—and we are very much for proarrest. We have——

The CHAIRMAN. Can I ask you a question about that before you go to proarrest?

Ms. KINDLEY. Yes.

The CHAIRMAN. In my State and many other States, there is a form doctors are required to fill out in the hospital, and doctors understandably are reluctant to do it for three reasons. One, they are afraid of being sued if they don't get the cooperation and if they write down and say, you know, I think John Doe battered Mary Doe. They are worried about that. They are worried about being sued.

The second thing is they are worried, if Mary Doe does want to move forward, that their precious time, understandably, is going to be taken. They are going to be called as a witness to testify as to the nature of the wounds, injuries, or whatever, and that is not something they are interested in doing—I shouldn't say "interested." That is a wrong way of saying it. That is a concern.

The third thing is they are not quite sure. The woman keeps saying no, no, it was the door; I walked into the door; the light was off and as I got up to turn the light on, the closet door was open and I hit the closet door.

So what is your experience?

Ms. KINDLEY. This is where I think our history with sexual assault has really proved useful because the doctors had the same kind of concerns about women who came in as rape survivors, and now New York State finally has a comprehensive evidence collection kit that every hospital has to have, with sexual assault information sheets supplied in the kit, so that for a doctor to document a sexual assault is a fairly standard procedure. They are given instructions on exactly how to do it step by step so that that evidence is admissible in court.

Because it is documented correctly, they are rarely, rarely called to testify in court, which, of course, they don't want to do because often this is someone they saw 9 months ago by the time it gets to trial. The instructions also make them feel more in control, plus they have the volunteer advocate right there with them who is able to deal with the emotional issues for the woman and offer the follow-up counseling, so that they don't have to do that part of it and they feel like they have backup.

They were reluctant at the beginning. Now, doctors get very upset if volunteer advocates aren't there, and very upset if there isn't an evidence collection kit. It took them a while to get used to it. Now, we have the same kind of kit for domestic violence set up in exactly the same way, so that whatever they take we know will be admissible in evidence, whether it is for an order of protection or a court proceeding. We now need to train the emergency department staff, and really the entire medical staff, on how to deal with this kind of an issue and collect evidence in this way, and have the follow-up support of the advocate, the volunteer, and hopefully counsel.

Judge KRAMER. Senator, I think your question is a very good one. What do you do from the moment of arrest to protect the victim while you still have an accused who has not been convicted? While it may be the first step toward deliberation of violence for the woman, it actually increases danger because the very act of bringing him to the authorities, if he is a general batterer and the profile of a batterer who does not blame himself, who always blames the victim, and who sees her as the betrayer in that situation, and lot of times who may be even addicted at that time when he is released—how do you do it?

Of course, the system has wrestled with this problem because of due process, but let me tell you what Massachusetts has done that I think is good. First of all, at the arrest stage when they are arrested and they are brought in, they cannot be released and bailed without there being a restraining order issued simultaneously and

without the victim being notified that he, in fact, is being released so she can develop a safety plan. With good advocates, she will learn where to go until the next morning, or what to do, or how to change the locks and the various steps to be taken.

The person knows that if there is any contact or anything whatsoever, they are in trouble, and the police will generally just ride around that house just to see if he is coming. That gets you to the morning, usually, and assuming the person is released, although now in Massachusetts dangerousness can be part of the preventative detention experience in bail, not just whether they will appear in court, that now is being used.

Secondly, when they come to court, that is where the courts have got to be very effective in establishing pretrial probation conditions which have got to be enforced very specifically. You cannot go within 1 mile of the home, whatever the kinds of things you want to say—take away weapons, do all the kinds of things, and enforce those.

We have probation officers calling up this victim, particularly during the first 2 days, often to see whether or not that person is coming near, and if they are, arrest them very quickly, bring them in, and then they are held on bail. So there are a number of things which permit—sometimes, there is house arrest. It is serious enough—

The CHAIRMAN. Do you have enough probation officers to do that? For example, in the State of Pennsylvania, if I remember the statistics, I think for every 1 probation officer, they are assigned somewhere around 295 cases, and your schools of social service and social work indicate that the optimum number should be around 30.

Judge KRAMER. Well, let me tell you something in that regard because I think it is a very good question. With proper case flow management that you can do, and proper probation management, if you set up a couple of people who are on a team to do it and if you allocate your priorities where some of the other kinds of things can be done where people can be put on much simpler probation because they are not violent, so you concentrate in the area where people can get hurt, then you can find that a reallocation of resources can do the job.

I am not saying you don't need more resources. You do, and part of this bill is to help to do that. But it is not that you have to suddenly overwhelm people with new people. It really is some good management of making decisions. For instance, in that court situation we talked about, now the person is released. You have got a heavy docket. You can continue a case for trial for 4 months. That is a tough period.

But if you say, hey, this is a case that has to be determined quickly, so that the shoplifting case, even though it came first, will be heard in 6 months rather than 4 months, but these go on a fast track—and certain ones will go even on a faster track because you don't want to put them in jail and take away the accused's personal liberty.

The CHAIRMAN. Judge, you obviously have set up a mechanism to identify those cases because of how renowned your program is, the methodology you began to implement in Quincy. But, again,

correct me if I am wrong, but most cities, most jurisdictions, do not have that identification process. I mean, it seems to people like us sitting here that that is a logical thing to do. You actually put the red star on the ones who are the people who are the most violent.

When Senator Kennedy and I back in the 1970's wrote the Speedy Trial Act, that is the reason why we did it.

Judge KRAMER. You think you are copying me. I am copying you, Senator.

The CHAIRMAN. Well, we are all copying Kennedy, but the point is we did it, but that was the reason. Everybody thinks we did the Speedy Trial Act to make sure that the defendant's rights weren't abused. It was viewed from a civil libertarian point of view. The truth is that is not why you came to me about that back in the 1970's.

The reason for that was people were out on bail who were dangerous felons and they committed most of their crimes while out on bail. So the idea of the Speedy Trial Act is they have got to get to trial in 60 days in the Federal System, and then the intent was that is all criminal cases. Then, within that, the attempt we have been trying to do at the Federal level was to get judges to point that out and prosecutors to say, OK, in a priority, this is where things go.

In your jurisdiction, you get a case where a woman has been, you are convinced, not only battered this one time, but is in genuine jeopardy. Does Lynn move that case up on the docket where they try to get the court to move it quicker?

Ms. ROSE. We have separate courtrooms for domestic violence, Senator. At the time of the arrest, it is determined whether or not a case is domestic violence or not. We don't grab all of them, but if they are, they are sent to special courtrooms that only hear those cases.

The CHAIRMAN. But in terms of timing that the judge is talking about, does that mean that if you have a backlog, which a city as large as yours does, of "x" number of months, does that mean they go to trial in 3 weeks or 1 month rather than 6 months?

Ms. ROSE. No; unfortunately, in our court system, which is probably typical of most, we don't look at the character or the quality of the case before us.

The CHAIRMAN. That is the point I am making.

Ms. ROSE. We look at first in time, and that is how we operate.

The CHAIRMAN. Well, that is my point. Does it make sense?

Judge KRAMER. I would make one point, Senator, just so we don't think Quincy is one city. It is six communities. There are 750,000 people. It is the third busiest court in the State, so it isn't a small court. So if you can do it there, you can do it in other courts.

But let me tell you how that came up. It was very interesting. Because we met with an advisory committee with a whole bunch of groups together and we said how do we move the cases, not only was there a decision to fast-track the cases, but we are saying suppose there is a default by an abuser not coming to court and you issue a warrant. Well, the police are inundated with warrants, tickets, whatever, so we red-code the warrants.

We put on a code and said these kinds of violators, whether domestic violence or some other perpetrator of assault—the police are

tion. So, typically, we will not be involved with the complainant until after the arrest. However, we are often involved with the police in terms of advising, giving legal advice, obtaining warrants, things like that.

The CHAIRMAN. One last question to you, Ms. Rose. Lynn Abraham, the district attorney, has been telling me for a couple of years she thinks one of the reasons why your unit works as well as it does is because it is located in a university city; that you have students from Penn and Temple and Jefferson and Drexel. There are so many major universities, like there are in New York.

How important is public awareness in terms of your being able to do your job more effectively?

Ms. ROSE. I think in these times of limited resources, again, we have to look wherever we can, and I don't think that there is a better place to help with an effort than looking toward universities—graduate programs, undergraduate programs, law schools. The response has been tremendous. These people really want to come in and help.

Secondarily, we are training a new generation of men and women who understand these issues and want to devote their professional careers to them, so it is a way of mentoring them through. It has been invaluable and it has been, I think, a real pleasure for our prosecutors who enjoy a mentoring role.

The CHAIRMAN. Ms. Kindley, how does it work with you all? I mean, you are obviously in a university environment. You have access to people. In other words, do you have your volunteer people, your victims advocates, the people whom you help train? I mean, do you go to the medical school? Do you go to the law school? Do you go to the undergraduate school? Do you go to the school of social work?

How much of an outreach is there to try to get people to devote their volunteer time, or do they get more—I don't mean this in a critical sense—is it more trouble than it is worth to take more of your resources to train them to come in to be useful than it would be to directly do it yourself?

Ms. KINDLEY. There is no way we could do what our volunteers do. They really are the backbone of our program.

The CHAIRMAN. Give me a sense of the size of your volunteer staff force.

Ms. KINDLEY. We are doing a training next week. We train about 40 to 50 people every year. We have a pool of over 100 volunteers. We have to cover two emergency departments in two different hospitals every night, and day and night on the weekend.

The CHAIRMAN. Are you able to do that?

Ms. KINDLEY. Pretty much. We have some trouble in the summer months because people go on vacation, but our outreach is plastering the upper west side with posters. I mean, that is about all that we can do, and having all our volunteers putting flyers out.

The CHAIRMAN. But have you found it to be useful?

Ms. KINDLEY. It works, yes. Yes, we have a lot of students, but we have many, many people just from the general community because it is really important that there is a real mix with our volunteers.

The CHAIRMAN. One of the things I have found, having been so deeply involved in this area for the last decade, is the incredible number of people who are willing, anxious, and looking to get involved because this is something almost everybody knows something about. Almost everybody knows somebody who was a relative or a friend or an acquaintance or a business associate who has been touched by it, affected by it.

I have been really encouraged, but then again I am not doing it day to day like you all are—I have been really encouraged by the number of times I am approached, my office is called, I am stopped in the street, to ask how they can get involved. I speak at a lot of law schools and the number of young law students who are anxious—I mean, if you wanted to put a negative spin on this, which I do not wish to do, this is sort of the kind of response that my generation in law school had to the civil rights movement. It is not quite that organized.

My staff just handed me a note saying do you know you have a second panel? The answer is, yes, I do know I have a second panel, but as usual I get too wrapped in this and have too many questions.

Am I misreading the sense of enthusiasm and the awareness that is growing out there?

Mr. BACA. You are right on target, Senator. I know just in law enforcement I have several groups of volunteers, one for the DART program in domestic violence, and others for the other crimes, victim advocates. All we have to do is advertise in the paper and put a story out there that we are looking for volunteers and we are just overwhelmed with the number of volunteers who are willing to come in on their own time, and even get called 24 hours a day, with proper training.

The CHAIRMAN. Well, the last thing I want to ask you all about is the training piece.

Judge how do you train a judge?

Judge KRAMER. You know, I was very articulate before, I thought, maybe, but I don't know the answer to that question. I will tell you what training can do once we learn how we do train them. I can tell you what we did in our court. I guess the answer is, very carefully.

I will give you a "what" in our program now that has come up, and I think it really indicates the need for training. While the Quincy program has maintained its credentials and its effect as being one of the top courts around in dealing with protecting women from violence, one of the rates that dropped recently—it used to have the best no-drop rate by victims in the State. It was 18 percent, compared to like 60 or 70 percent of cases that were dropped in other parts of the State.

I noticed that in the last couple of years, not simply because I retired, but another judge with me retired at the same time and new judges came in. That is really a judge's call because at the time that the cases want to be dropped, it is the judge that can say, before we drop this case, let me look into why it is being dropped. You find out that either the victim is being intimidated or the case can be tried without the victim because of certain ways of getting the evidence in, and good prosecutors can do that.

We trained the judges to listen to victims and victims advocates. We brought them before the judges. We had them meet with a lot of people who know something about this, and they came out with a mind set that victims drop cases for many reasons which had nothing to do with the fact that they really wanted them dropped.

So when they came to sit in the courtroom, they remembered those things and they said, no, we are going to go forward, or whatever the case may be. In a system that is very busy and inundated with cases, if the prosecution wants it to go away and if the defense wants it to go away, judges are very pleased to say we will let it go away because we have got a lot of business here, and that is a very big mistake because they will come back.

So the specific answer to your question is you need to bring a lot of people in to change the psychology of that judge. I have noticed that that training has not taken place in a few years, and we are going to work on it because we are experiencing a negative effect as a result of that training not taking place. So I think the answer is judges' conferences, but the real thing is not to have judges simply hear criminal justice people. If they could hear the people on this panel and the other panel that you will have before you, and the victims, and what have you, and talk with them, then I think they begin to get a sense of what it is about, and that is more important than the legal training they receive.

The CHAIRMAN. Well, I want to make it clear that I am not implying that judges aren't concerned about this, but I am stating that the experience nationally has been the inclination is to drop. The inclination is that when you have a tough case—and I would argue that the same case prevails for prosecutors nationwide and for police nationwide. There is an overwhelming amount of work out there and when you have, in the case of a prosecutor, a victim who is reluctant, and in the case of a judge a prosecutor who is reluctant, and in the case of a police officer a victim who is reluctant, it is human nature; the tendency is to say, OK, you know, not on my watch, you know, let's move this on.

My last question for you, Judge, is what the heck started it all in Quincy? I mean, how did it get to the point where the community, under your leadership, seemed galvanized to begin to take a different approach? What was it? Just one day you woke up, or something? I am not being smart with that question.

Judge KRAMER. No, I understand. While I can't pinpoint it exactly, I can pinpoint a few things. First, it was at the time that the media began to raise consciousness by covering some of these cases, and one particular case that came up had to do with a woman who came to a court, not to our court, by luck, and ended up—the case was put over to the next day and by the time the next day came around without any action, the family was killed by the husband and he himself committed suicide. Cases like that began to hit the paper and we began to obviously, like others, become impressed with the fact that we were dealing with very serious cases.

The second thing is that when we began to witness these cases disappear and the people coming back again and again, and began to really take a look and investigate that and do some studies about it, we recognized what the profile of the abuser really was and some of the things that were happening to women who were

blamed for being ambivalent and dropping cases. The reason this was happening is they were under constant intimidation, threats, economic threats as well as physical threats, and if you could support these women and empower them and control the abuser, then you could deal with this issue.

So it was a growing process which eventually got the whole community involved, and from there on in we just did the things based on a combined community effort.

The CHAIRMAN. You know, again, I haven't had the hands-on experience any of you have had, but I have probably more of my professional time as a Senator to this issue than anything I have done. One of the conclusions I have reached—and I would like you all to comment on this and then I won't trespass on your time any longer today—is that in this area, in particular, and in the area of non-violent, but nonetheless sexually degrading harassment, it is not that men and male judges and male police officers—quite frankly, I have not seen a marked difference between how female police officers handle rape cases and how male police officers handle rape cases. I know the women's organizations think all we have to do is have more women police officers. I have not seen any evidence of that. I am not suggesting it is not there. I just have not seen it.

One of the reasons why there seems to be, up to now, at least, sort of an acceptance—I mean, even the phrase “domestic violence”—it is kind of like a domesticated cat versus a wild cat out in the jungle. I mean, it is like it is not as bad, it is not as brutal, it is not as dangerous.

Part of it is cultural in our society and Western European civilization, and the notion of where the, quote, “place of women” was in society and how it has evolved over the last 800 years. But there is another thing. I think that part of it is just the difference between how men and women view things because of their experiences.

For example, I am not infrequently criticized for a lot of good reasons, but in this case, sometimes by men and male audiences, for being too sympathetic and overly empathetic to this problem, and the problem of harassment as well, and I find something that sort of gets people's attention, men's attention. I don't think it is that they really don't care. I think they don't fully understand.

When men in the audience say, well, why didn't she leave, or why didn't she report it, or why didn't she fight back, I always give them two examples. I will say to a male audience—and I will ask the men in this audience to do this little one with me. You know, I say, well, how many of you saw the movie “Deliverance?” And as soon as I say that, every man gets a look on their face that the men in the audience have now. They immediately remember one scene in the movie “Deliverance.” If they saw the movie “Deliverance,” they remember the rape scene where two hillbillies rape a male by tying him to a tree and raping him.

Then I say, now, if that had been you who had been the rape victim on that river rafting trip, would you have left the woods, gone to the local sheriff and reported it? Almost every man in the audience says no. And I say, well, gee, why not; why wouldn't you do that? You have been humiliated, victimized, brutalized. Why

wouldn't you do that? And they say, I would go get a gun and get him, or whatever, but very few say I would go out and report it, because they wouldn't want people to know that happened to them.

Then I ask them, I say, what happens if you are a young man hired in a large business, a large company, a large law firm, and there was a group of 10, 12, 14, 20 of you hired, and the senior partner, who was gay, and had a right to be gay—it was his constitutional right to be gay and his preference, but every night he asked you to stay late, and when you handed in your brief he patted you on the rear end or tussled your hair. Would you report it as harassment? And almost every man in the audience says, no, I don't think I would do that. And I say, why do you think women don't do that?

There is a secretarial pool of 50 people out there and the boss picks one of them. The thing that amazes me from talking to the psychiatrists and psychologists who are experts in this area is how the victims blame themselves. Oh, I shouldn't have been sitting that way, or maybe I shouldn't have worn this, or maybe I should have known better than to go have a drink with him.

So somehow, it seems to me, we have got to change people's consciousness about what is not only acceptable behavior, but explain to good-thinking, decent, honorable men who don't victimize the women they are with, who do not do these awful things, why women are not as willing to come forward.

The last example I always use is every single man I know was a boy and every single boy I know in a school yard had a bully do something to him at one time or another, take his school lunch, beat him up, whatever. I always ask the guys, I say, now, let me ask you a question. When the bully in the fourth grade had you down and you had a clear shot to punch him right in the nose, did you punch him? Almost every one of them says no. Why didn't you? And the universal answer is that would have really made him mad. You know what I am talking about, Chief. Isn't that how it is with most men?

And I say, well, what the hell do you think happens when you have got a 220-pound man standing next to a 5 foot, 1, 107-pound woman, and the cop says, do you want to swear out a warrant against this guy, knowing that this guy is going to be out in a matter of 24 hours and back home, with as little confidence that people have in the system that they are going to be protected?

So I think one of the most important things we can do besides beefing up the capability you all have—and the only thing the Federal Government can do here is provide resources and example; I mean, we don't have the constitutional authority, nor should we, to come in and take over the court in Quincy or Philadelphia or anywhere else—is to also try to change attitudes a little bit and educate people as to why these things occur.

My question is, is that part of the agenda you have when you try to educate judges, educate social workers, educate policemen, educate prosecutors? What are we trying to educate them about, and how important is it? That is my last question and I would like each of you to answer that, please.

Yes, Chief?

Mr. BACA. That is what we try to do in our training in domestic violence with every officer—awareness. Why is it that the women act that way? Why don't they want to follow through on it? I think many officers have an idea, but they don't have the full understanding, and when you give them this awareness class you bring in a victim and that victim tells that officer, this is why I never called the police, this is why I didn't trust them, because they responded before and they didn't show any real emotion about it, they just wanted to get out of there, and I knew when they left I was in trouble.

So I think it is very, very important. We have 18,000 law enforcement agencies in the United States. It is going to take a lot of training and a lot of money to do it.

Ms. KINDLEY. Well, I certainly agree with you. We don't have to train our volunteers on those issues. They come to us because that is how they already are. That is why whatever time we have left over, our priority is always training and workshops in schools, particularly junior high school, and we have workshops on what we call intimate violence, which is date rape; battering, which is very, very common in dating relationships, not just marriages.

We talk about the connection between sexism, sexual harassment, and sexual assault, and we talk about it from the point of view of both the boy and the girl. I think that that probably is the single most important thing we do in terms of prevention. We don't feel like we can do a lot in terms of prevention, but that matters. If you can get kids before those attitudes get locked in and when they are still open, you can, you hope, make a difference with some of them.

The CHAIRMAN. How often do you do these training sessions?

Ms. KINDLEY. Well, again, if we had money and the resources, we would set it up so that we do a training in every single junior high school in the city.

The CHAIRMAN. How do you do it now with your limited resources?

Ms. KINDLEY. Hit and miss. When they ask us and if we have someone available, we go. We make it a priority in terms of community outreach. The schools come first.

The CHAIRMAN. Would you be willing to let me attend one of those meetings?

Ms. KINDLEY. Sure. I mean, you first have to get permission from the public school system, but I am sure they would give it to you.

The CHAIRMAN. Yes, but I mean just to go along with you, not as Senator Biden—they won't know who I am—just to go along. I would like to see the dynamic that actually takes place in a class or a group when you do that. If you think it is appropriate and if you could check the next time you are doing it, if you would be willing to let us know, I would like to come up and actually participate, not participate verbally; I mean, just sit there and observe exactly what you do. It would be a useful thing for me.

Judge KRAMER. Yes; Senator, when I first started to attempt to train judges, I addressed that issue of gender bias in the system, and they were all lawyers and I was able to say it was only a century ago when, as you know from studying law, women were denied the right of inheritance, they were denied the right to divorce.

We used to have the unity doctrine, which means, as you recall, the property is owned by both, but it is really the man, and then the interpersonal immunity doctrine, which was that you couldn't sue a husband for assault and battery. The court said the reason for that is if you allowed a wife to sue a husband for hitting her, it would upset domestic tranquility. So, that wasn't long ago.

The right to vote was just given to women in the 1920's, and the right of chastisement, the right of a man to hit a woman, has always been on the books until this century, to discipline her, the right to hit. I know that while these laws have changed, that is de jure. De facto, that culture doesn't switch as quickly.

So this idea of men's dominance over women, whether it is the abuser or a police officer saying I can't interfere with a husband, or whatever it is, is out there. We have made a lot of improvements, but the remnants are there. This sense of a wife raped in marriage is a new concept that is here now, and so we have all grown with it, but it is still there and a lot has to be done to try to continue the effort to change that culture. I agree with you. It is there, it is a ghost that is there, but it does play a role in the attitudes that take place and the prejudices and biases that take place.

The CHAIRMAN. I think it does. I will tell you one little story about this committee. When Senator Birch Bayh of Indiana was a senior member of this committee, he and I cosponsored the first Federal law that said that a husband could be found guilty of raping his wife.

We were in what we call a markup and it was at the end of the year, like this is. The Senate was getting out, adjourning sine die. We were meeting in a conference room off the floor of the U.S. Senate, a crowded room, a very small room, 1/2 the size of this room. The press was allowed in, but it was crowded.

Senator Eastland was about to move this meeting along and we were about to vote on the legislation to report it to the floor of the Senate to be acted on before we adjourned, and a Senator who will remain nameless who is no longer here, in frustration—a junior Senator, but much senior to me in age—at the end of the table banged down his hand, and this is the God's truth. He banged down his hand and he said, you just don't understand, Joe, you are too young; sometimes, a man just has to use force with his wife. That was 1978 in the U.S. Senate, on the record. That is frightening, but apparently it is there.

Ms. Rose, what about the education process?

Ms. ROSE. I will try to be very succinct here. I think that there are four things. I think that for prosecutors they need to know how family violence is like other crimes, and what I mean is they have to investigate and prosecute and know good lawyering skills and get corroboration like they would with a homicide or a robbery or a burglary.

But they also need to know where family violence is not like street crimes. They need to realize that we as lawyers are not the experts in this area, and we need to defer to the experts, who are often people who are members of rape crisis counseling centers and battered women's advocate centers. They are the experts and we need to look to them to teach us how to do our work.

Then, finally, I think in the area of family violence that law enforcement really needs to redefine what winning is. We have to look more at victims and victim safety and community safety. Sometimes, that is going to mean a conviction and sometimes it is not, but the pole star has to be safety, and not just an adversarial system where we have to win independent of that issue.

The CHAIRMAN. Well, what you just said triggered a thought that I think it is important to make. All of what you have advocated in your individual jurisdictions, all of what is advocated in my legislation and is allowed in our legislation—none of it lowers the threshold for the finding of guilt. The presumption is still innocence until proven guilty.

So I want to make that clear because sometimes I talk about this so much—and I guess because I let my feelings show through on how strongly I feel about it, sometimes nonlawyers would assume that much of what we are talking about also, at least implicitly, encompasses a notion of lowering the threshold of proof needed in order to convict someone. That is not the case. It is not the case in anything that any of you do.

Quite frankly, it is to make sure that the threshold of proof is not blown away by cultural bias, by sexual bias, by a bias against proceeding, and that is all we are trying to do here. We are not attempting to lower the threshold because the system all collapses if we ever change the threshold from a presumption of innocence to a presumption of guilt.

As we have seen in the child molestation cases, it is not unusual for there to be false claims made, as well as real claims. But most times when you come on the scene and there is a bleeding victim and only one person standing around and the call is taking place, there is at least proximate cause to think what may happen, but that is not enough. It must be established beyond a reasonable doubt in a courtroom, which ends up on your lap and your judgment, or a jury's.

I apologize for keeping you so long. I have about 500 more questions I would like to explore with you. I will not submit them to you in writing because you have enough to do. You are so busy right now, I don't want to make more work for you.

Again, I have great confidence that this Attorney General and this President are absolutely, totally committed to seeing that this legislation actually is implemented. So, hopefully, we are going to have some very user-friendly forms and processes that are available by the first of the year, and some of them immediately, that will accommodate getting this help out to you all who know how to use it best to aid and assist and prevent the need for these services.

Thank you very much. Chief, I mean this sincerely; thank your wife for me.

Mr. BACA. Thank you, Senator.

The CHAIRMAN. Thank you all very much.

Judge KRAMER. Thank you, Senator, for the good work you do.

The CHAIRMAN. Our next panel, and I thank them for their patience, is a panel of three individuals, all from Schuylkill County, PA. The first witness on the panel is Judith Stauffer. Ms. Stauffer survived an 18-year-long abusive relationship, at the end of which

she turned to an organization, Schuylkill Women in Crisis, in Pottsville, PA. After her experience as a survivor of violence, she made it her career. She is now assistant to the director of that organization.

If you will come forward, Ms. Stauffer, please, and take a seat?

Our second witness is Ms. Sarah Casey. She is the executive director of Schuylkill Women in Crisis and has been with the organization since 1983. She has helped it to grow from an all-volunteer counseling center to include a shelter.

The third witness is also from Schuylkill County. She is Mary Beth Semerod, and she has been executive director of the Rape Crisis Center of Schuylkill County since it began 11 years ago.

Thank you all very much for being here, and if you have opening statements I would welcome them now in the order that you were called.

PANEL CONSISTING OF JUDITH STAUFFER, FAMILY VIOLENCE SURVIVOR, POTTSVILLE, PA; SARAH CASEY, EXECUTIVE DIRECTOR, SCHUYLKILL WOMEN IN CRISIS, POTTSVILLE, PA; AND MARY BETH SEMEROD, EXECUTIVE DIRECTOR, RAPE CRISIS CENTER OF SCHUYLKILL COUNTY, POTTSVILLE, PA

STATEMENT OF JUDITH STAUFFER

Ms. STAUFFER. Thank you, Senator Biden, for having us here. My name is Judy Stauffer and I am a former victim of domestic violence, and I would like to briefly share with you just a part of my story.

I was in an abusive marriage for 18 years. The abuse started shortly after we were married and I attempted to leave my husband in 1972 after the birth of our first child. I was embarrassed by the situation, and instead of calling on family or friends, I went to the local courthouse to ask for help. I wanted a separation and was given an appointment with a domestic relations mediator and told that my husband and I had to attend this meeting together.

When this finally came about, the judge who was mediating sat us down. He handed me a copy of a "Dear Abby" column and told me I needed to go home and try harder on my marriage for the sake of our baby. I did what I was told. This was my first contact with the system.

Over the next few years, the abuse was sporadic, but effective. I was told by my husband that if I tried to leave, I would never see my babies again. He also told me that no one would help me and that if I just learned to do everything he wanted, he wouldn't have to get so angry. I then reached out to our church leaders, and I was told to have more faith and pray to be a better wife so that my life would be more peaceful. Again, I did what I was told.

After my third child was born, I went to my doctor complaining of chest pains and anxiety attacks. We talked briefly about my marriage and I started to touch on some of the problems and my fear of my husband. My doctor said that some women tend to get a tad hysterical after child birth, and thought a bottle of Librium might help me over the rough spots. I thought the only way pills would help my situation was if my husband were to take them, so I flushed them.

Five children and 18 years later, things had begun to change. Up until this time, as long as I did everything he wanted me to, my kids had been relatively safe. Now, they were becoming the targets of his abuse. Like a lot of battered women, I stayed and took the physical and emotional abuse myself, but had to leave when my children became the victims of the violence. I stayed with my husband because I was afraid, and I finally left because I was afraid of what he would do to the children.

In 1989, after a violent incident involving my three youngest children, I slipped out of the house with kids in tow and went to the local State police barracks. I went in looking for help. I wanted the police to take him away, out of our home, so that we could be safe. The corporal who spoke with us was kind and tried very hard to put us at ease. He told me the police couldn't make my husband leave. I asked if there was anywhere I could go with the kids to be safe. He told me there was no place to go.

I asked if there was anyone who could talk to me and help us figure out what to do, and he said there was no one. I even asked him what I should do. He told me to go home and be nice to my husband. He told me not to do anything that would set him off. One more time, I did what I was told. Needless to say, being nice didn't stop the abuse and it didn't take much to set him off.

It was several weeks until I tried to do anything again. This time, I called the police and I asked them, if I got my husband out of the house myself, could they then keep him from coming back in. I was assured this could be done. I got him out, and when he returned 2 hours later the police were called. They didn't make him stay away. Instead, they assisted his return into the home.

I was told if I didn't want to be with him, I had to leave. It was midnight and the kids started throwing their stuff in the bags. On the way out of the house, my daughter, Bethel, who was then 7 years old, looked into the trooper face and asked, can you keep us safe until we get in the car? The trooper did not respond to her question and we left.

I was never told by the police during those encounters that there was an agency in the county that provided services to battered women, and it wasn't until 2 weeks and three hotels later that I found out this information. I then called Schuylkill Women in Crisis and was informed of the protection from abuse orders, or PFA's. I was counseled over the phone, and I finally felt there was someone out there who understood the terror I had lived with all those years and could help us find peace and safety.

I went to court to apply for a PFA. I was met there by SWIC's victim advocate, who informed me of my right under the law to be protected from abuse. She accompanied me to the courtroom and stood by me while I told my story to the judge. This was an overwhelming and intimidating process for someone who had never been in a courtroom before, and just having someone stand beside me and believe me was a key element in reclaiming my life.

I wish I could say that after being given that first protection order, everything just fell into place, but I can't. My subsequent experiences read like a worst-case scenario of the law enforcement, judicial, and human services systems. My protection order was vio-

lated repeatedly, and the response from the police was less than supportive.

I was told many times by the State police that they were tired of me calling them all the time. I was reminded constantly by the troopers who responded just how many times this stuff had happened. I was made to feel that I was doing wrong by reporting the violations of this court order, rather than my abuser being wrong by violating the order. When the police finally decided to press charges, on more than one occasion the district attorney's office was either reluctant to proceed or, at best, extremely unsupportive.

My children were physically and emotionally abused during court-ordered visitations, but the courts insisted upon their father's right to be with them. The children have had to recount their experiences of abuse and their deepest feelings and fears with countless therapists, evaluators, case workers, and investigators, only to have the courts ignore the recommendations of these agencies. They have lost faith at a very early age in the very system that I had always told them would protect the innocent and punish the guilty as long as they were telling the truth. They also learned that safety became something we had to fight for and not a right we were entitled to.

Since 1989, I have dealt with State and local police, district attorneys, judges, mediators, case workers, therapists, human services agency representatives, and hospital emergency room personnel. Sadly, all these separate parts of the system were more obstacles than avenues on my family's journey to safety.

The only constant help in this struggle had been the services provided to me by Schuylkill Women in Crisis. They were always available for support and counseling, giving information, and accompanying me to as many court hearings as was humanly possible. They helped me through the mind fields of interagency bureaucracy, advocating on my behalf, and running interference with often less than cooperative systems. They guided me into empowerment, and my feelings of fear and frustration were replaced with a desire to make the way easier for other victims.

I am now employed by Schuylkill Women in Crisis and I hear daily the problems being faced by victims of domestic abuse and their struggle to get to safety, and I can identify with their plight. I know that all of our systems need to be working together so that when a victim makes her way to a police station looking for help and safety, she won't be told to go home and be nice to her abuser. And I know that the courts need to consider terrorism within our homes as seriously as they consider terrorism on our streets.

We need to have a coordinated system of response to victims of domestic violence so that the first time a victim reaches out for help to whatever system she can, she will be heard, believed, and helped.

The CHAIRMAN. Thank you very much, Ms. Stauffer.
Ms. Casey?

STATEMENT OF SARAH CASEY

Ms. CASEY. My name is Sarah Casey and I am the executive director of Schuylkill Women in Crisis, which I will refer to as SWIC. SWIC is a private, nonprofit organization that provides services to

victims of domestic violence in Schuylkill County, PA. The community we serve is primarily rural, economically depressed, and located in the heart of the hard-coal regions of Pennsylvania. Our shelter is situated in the county seat and only city, Pottsville, which has a population of 17,000, though the agency provides services to the entire county, which has a population of nearly 153,000.

SWIC was founded in 1983 by Ms. Carol Blackner, a woman who had been born in the county, left it in adolescence, and returned with her husband, a minister assigned to the area. Shortly after returning to the county, the Blackners were overwhelmed by the number of women who came to the parsonage seeking refuge because they had been battered.

The Blackners originally assumed that they could turn to a local agency to assist these women, and were shocked to find that there were no such services available in Schuylkill County. They met with representatives from other systems who confirmed the need for such services, and enlisted their support in establishing an organization to work on the issue. In those early days of doing community education programs, we would often marvel when asked why do these women stay. Where exactly were they supposed to go?

Until mid-1989, victims of domestic violence in Schuylkill County had to flee their very homeland to seek shelter. Even if they chose to go, could find a way to get there, and the neighboring county shelter had room for them, their travels were not over. Under Pennsylvania law at the time, victims wanting to initiate any type of legal remedies had to return to the county where they resided to begin the court action. This whole system left women who were traumatized with physical injuries, and usually children along with them, in a whole new quagmire.

Fortunately, with the assistance of a local church, we opened our first shelter for victims of domestic violence and their children in what had been a vacant parsonage in May of 1989. Unfortunately, 6 weeks after shelter opening, we found ourselves with 22 women and children literally packed into a 14-bed facility. Those of us who worked to have the center established, viewing it as a facility or even an institution, were amazed at how quickly women and their children came to call the place home. That told us so much about the home they had left.

As you can imagine, it had been quite a struggle to transition from being a counseling center to a shelter program. Our budget increased by more than 60 percent. Although we were seeing daily overcrowding of the shelter, our board of directors and staff decided to make do as best we could, at least for a little while.

In 1990, the church whose parsonage was our shelter came to us with the news that their minister was resigning, and that in renegotiating our lease they would require a clause allowing the building to revert back to them on 30-day notice. We knew that shelter services were too critical to rest on such a provision. We began, with much trepidation, to plan for our new site and a \$425,000 capital campaign.

Many told us that it would be impossible to raise that amount of money in our community for what is viewed by many as a women's issue, but by late 1992 we had raised nearly \$500,000, exceeding our goal, and were beginning renovations on the newly pur-

chased facility. This new facility can hold up to 22 residents and has the capacity for further expansion. Despite more than a 50-percent increase in shelter capacity, there was no increase in staff, and this is a common problem to any expansion of services.

Today, SWIC provides these services: 24-hour hotline counseling, information and referral, individual and group supportive crisis counseling, accompaniment to courts and hospitals, temporary emergency shelter, limited transportation, limited food assistance, children's programming, community education and prevention presentations, and volunteer training.

In fiscal year 1993-94, we provided more than 4,000 shelter days, more than 6,000 hours of counseling to more than 1,100 individuals, answered nearly 1,500 hotline calls, and reached more than 4,000 through community education presentations.

As someone who has been with the agency almost since its founding, I know that we have also at times been incredibly naive. As SWIC struggled to establish adequate shelter services, we hoped that once our shelter opened the hardest work would be completed. In reality, it was only beginning.

Although shelter represents an important step in a community's efforts to end family violence, it is only one piece of an intricate puzzle that a community must put together to effectively address family violence. No one agency nor one system can end domestic violence on its own. SWIC has therefore worked diligently through the years with other systems and the community at large in encouraging a community-wide response to domestic violence.

For example, a common complaint heard in our area was the frequent dropping of charges in criminal cases by victims. Yet, the barriers impeding women's use of the justice system were rarely identified, let alone coherently addressed. In 1986, we began to work with our sister agency also here today, the Rape Crisis Center of Schuylkill County, in initiating Project VIP, Project Victim Important Person.

The CHAIRMAN. What year was that?

Ms. CASEY. 1986.

With the assistance of the county and the district attorney's office, we in the rape crisis center were able to jointly hire one fulltime person, the victim advocate, to work for both agencies. The victim advocate's office was housed in the district attorney's office, making her highly visible to law enforcement and courthouse personnel. Police were encouraged to refer victims to the project.

The CHAIRMAN. How did you pull that off?

Ms. CASEY. A bunch of smooth talking. We really made the county aware that there was Federal funding that was available that our county was not receiving and that this was a good way to get that started. I think the incentive to the police that this was a way to start to get victims to follow through really helped the project. The police were encouraged to refer the victims, with the incentive, as I said, that victims would follow through.

The victim advocate's job was to explain the court process to victims as she accompanied them through it, making victims more comfortable in what can be a very bold and intimidating environment. Additionally, the victim advocate was able to get system per-

sonnel to understand and address some of those barriers which discouraged battered women from utilizing the courts.

As a result of Project VIP, accompaniment services came to be in such demand that the project was threatened by its own success. In 1990, our agency added one parttime person to supplement the project, but by 1992 was forced to hire two fulltime people to work solely with domestic violence cases.

The number of people requesting services increased so dramatically that the project outgrew space available in the district attorney's office and the local court came to our assistance, offering a former hearing room. Even today, with volunteer support, the program frequently does not have sufficient staff to meet requests for accompaniment.

Victims in our community have also benefited from the local court's decision to assign two specific judges to hear petitions for abuse orders. The consistency of having these judges assigned to those cases has increased their understanding of the unique problems victims of domestic violence experience. It has also resulted in the more efficient use of community services. For example, if a woman is able to get a protection order quickly, she may not need shelter services.

We offer these as only two of the ways that we have worked in the community to improve the quality of a system-wide response. This Tuesday morning when we were asked to testify, we had just come from a meeting with our president judge seeking his support for establishment of a community-wide, multidisciplinary task force on family violence, and once again we were pleased that the community responded to our request.

I must stress, however, that it has been an enormous effort to accomplish the things that we have, and that while many other communities have evolved further in this effort, too many others have not come as far as we have. In fact, two of our neighboring counties still have no shelters and we must provide services to their women, as other counties did for us. I bring this up because it is important to remember that before services can be coordinated, they must exist.

Wife battering is so prevalent, its repercussions so severe, that we as a society must make our intolerance for violence against women as widely known as our intolerance for street crime.

You heard Judy, and it certainly is not pleasant for me as the director of Schuylkill Women in Crisis to hear that at one time in our county, even while we were operating, she had the experiences that she did, but I am pleased to say that we are making tremendous strides. The reason we are making these strides, though, is because of the priority attention other policymakers heading other systems have given domestic violence intervention. As an example, the Pennsylvania law that now requires police to refer victims to available services eliminates our need to convince department, or worse yet, each officer, of why it is a good thing to do.

Domestic violence programs already struggle to do so much with so little. We are always operating in a catch-22. We know that there are still many women, like Judy was, in our county unaware of services, but we lack the resources to publicize the availability of the services, and then, unfortunately, we find that even if we

could we don't have the staff to meet the increased demand, and Project VIP is a perfect example of that.

Project VIP, I have to tell you, too, Senator, really concerns us because we have had so many problems with so many women seeking services, what used to be individual accompaniment services are now reduced to groups. Where we used to have one advocate assigned to every woman, we will now have the advocate accompanying maybe six or seven women to court. We also can't always provide accompaniment in every phase of the Criminal Justice System, and the result is women once again will start to drop charges, and then police begin to lose confidence in the program and the project.

As mentioned previously, we had hoped that opening of the county's first shelter would represent a major hurdle in ending violence against women in our county. But as we watched women come into shelters with two, three, or more children who had also been traumatized, we knew that shelter was in many ways only a band-aid cure when considering the future of the children. Even after 5 years of operating a shelter facility, we only have a 16-hour-a-week children's advocate available to assist resident children. I am almost ashamed to call this a children's program, but this is not only our failing; it is one that we as a Nation share.

As an organization that is dedicated to ending violence against women, we know that band-aid remedies only provide band-aid cures. Additionally, we have attempted to initiate prevention programs in the schools similar to what you will hear the Rape Crisis Center does, but we haven't had the resources to do so.

Because we understood that funding for this effort would become available through our State Office of Drug and Alcohol Abuse Prevention for 1994-95, we solicited school districts to determine if they were interested in making such programs available to their students. With more than 12 districts wanting the project, we had to notify them in August that we could only test-pilot in one school because the funds still have not been allocated. Again, we over-extend ourselves even agreeing to test the program in one school.

You should be aware that for what now seems like years your efforts and this committee's commitment to exploring and addressing violence against women has been the one glimmer of hope on the horizon. On behalf of our agency and those we serve, I want to thank the Senate Judiciary Committee for your committed leadership in addressing the epidemic of violence against women in this country. We also want to specifically thank Senators Wofford and Specter from Pennsylvania and our own U.S. Representative Tim Holden for his courageous decision to support the crime bill, despite its unpopularity with a few of his constituents. Victims and administrators alike thank you for your efforts and for championing a coordinated approach to ending domestic violence.

[The prepared statement of Sarah Casey follows:]

PREPARED STATEMENT OF SARAH CASEY

My name is Sarah Casey and I am the Executive Director of Schuylkill Women in Crisis (SWIC). SWIC is a private, non-profit organization that provides services to victims of domestic violence in Schuylkill County, Pennsylvania. The community we serve is primarily rural, economically depressed and located in the heart of the hard-coal regions of Pennsylvania. Our shelter is situated in the county's seat and

only city, Pottsville, which has a population of 17,000, though the agency provides services to the entire county which has a population of nearly 153,000.

SWIC was founded in 1983 by Ms. Carol Blackner, a woman who had been born in the county, left it in adolescence, and returned to the area again with her husband, a minister assigned to the area. Shortly after returning to the county, the Blackners were overwhelmed by the number of women who came to the parsonage seeking refuge because they had been battered. The Blackners originally assumed that they could turn to a local agency to assist these women, and were shocked to find that there were no such services available in Schuylkill County.

They met with representatives from other systems who confirmed the need for such services, and enlisted their support in establishing an organization to work on the issue. In those early days of doing community education programs we would often marvel when asked "why do these women stay?" where exactly were they supposed to go? Until mid-1989 victims of domestic violence in Schuylkill County had to flee their very homeland to seek safe shelter. Even if they chose to go, could find a way to get there, and the neighboring county's shelter had room for them, their travels were not over. Under Pennsylvania law at the time victims wanting to initiate any type of legal remedies had to return to the county where they resided to initiate court action. This whole system left women who were traumatized, with physical injuries and usually children in tow, in a whole new quagmire.

Fortunately, with the assistance of a local church, SWIC opened its first shelter for victims of domestic violence and their children in what had been a vacant parsonage in May, 1989. Unfortunately, six weeks after shelter opening SWIC found itself with 22 women and children packed into its 14 bed facility. Those of us who had worked to have the shelter established, viewing it as a facility or even an institution were amazed at how quickly women and their children came to call the place "home."

As you can imagine, it had been quite a struggle to transition from being a counseling center to a shelter program. Our budget increased by more than 60 percent. So, although we were seeing daily overcrowding of victims in our shelter the board of directors and staff decided to make do as best we could, at least for a little while.

In 1990 the church whose parsonage was our shelter came to us with the news that their minister was resigning, and that in renegotiating our lease they would require a clause allowing the building to revert back to them on 30 day notice. We knew that shelter services were too critical to rest on such a provision. We began with much trepidation to plan for a new site and a \$425,000 capital campaign. Many told us that it would be impossible to raise that amount of money in our community for what is viewed by many as a "women's" issue. But by late 1992 we had raised nearly \$500,000 and were beginning renovations on our newly purchased shelter facility. This new facility can hold up to 22 residents and has the capacity for further expansion. Despite more than a 50 percent increase in shelter capacity, there was no increase in staff. This is a problem common to any expansion of services.

Today, SWIC is proud to provide the following services to victims of domestic violence:

- 24 hour hotline counseling;
- Information and referral;
- Individual and group supportive crisis counseling;
- Accompaniment to courts and hospitals;
- Temporary emergency shelter;
- Limited transportation;
- Limited food assistance;
- Children's programming;
- Community education and prevention presentations; and
- Volunteer training.

In fiscal year 1993/94 we provided: 4,292 shelter days to 208 women and children; 6,104 hours of counseling to 1,170 individuals; answered 1,433 incoming hotline calls, and reached more than 4,000 through community education/prevention presentations and events.

As someone who has been with the agency almost since its founding, I know that we have also at times been incredibly naive. As SWIC struggled to establish adequate shelter services we hoped that once our shelter opened, the hardest work would be completed. In reality, it was only beginning.

Although shelter represents an important step in a community's efforts to end family violence, it is only one piece of the intricate puzzle that a community must solve to effectively address family violence. No one agency, nor one system can end domestic violence on its own. SWIC has, therefore, worked diligently through the

years with other systems, and the community at large in encouraging a community wide response to domestic violence.

For example, a common complaint that had been made by police officers in our area regarding is the frequent failure of victims to follow-through with criminal prosecution. Yet the barriers impeding women's use of the criminal justice system were rarely identified, yet alone coherently addressed. In 1986 we began to work with our sister agency, the Rape Crisis Center of Schuylkill County in attempts to resolve this dilemma and initiated Project VIP, Victim Important Person.

With the assistance of the county and the District Attorney's Office, SWIC and the Rape Crisis Center were able to jointly hire one full-time person, the Victim Advocate to work for both agencies. The Victim Advocate's Office was housed in the District Attorney's Office, making her highly visible to law enforcement and court house personnel. Her job was to explain the court process to victims as she accompanied them through it, often advocating on behalf of a more comfortable system for Referrals for accompaniment services increased, and the availability of accompaniment services increased victim's cooperation with pressing charges.

As a result of Project VIP, accompaniment services came to be in such demand that the project was threatened by its own success. In 1990, SWIC added one part-time person to supplement the project, but by 1992 was forced to hire two full-time people to work solely with domestic violence cases. The number of people requesting services increased so dramatically, that the project outgrew space available in the District Attorney's Office, and through the generosity of the local court came to occupy a larger, former, hearing room. Even today, with volunteer support the program frequently does not have sufficient staff to meet requests for accompaniment.

Victims in our community have also benefited from the local court's decision to assign two specific judges to hear petitions for abuse orders. The consistency of having Judges Wilbur Rubright and Donald Dolbin assigned to these cases has increased these judges understanding of the unique problems victims of domestic violence experience and have resulted in the more efficient use of community services e.g. a woman may not feel that she is in need of shelter services if she is able to obtain a Protection from Abuse Order.

SWIC offers these as only two examples of the numerous ways we have worked with other members of the community to improve the quality of system-wide responses to family violence. This Tuesday morning when we were asked to testify at this hearing we had just come from a meeting with our President Judge Joseph McCloskey seeking his support for establishment of a community wide, multidisciplinary task force aimed at addressing the problem of family violence in Schuylkill County. We were pleased, once again, that members of our community responded in a positive way to our requests to address this complex problem.

I must stress, however, that it has been an enormous effort to accomplish the things that we have, and that while many other communities have evolved further in this effort, too many others have not come as far as we have. In fact, two of our neighboring counties still have no shelters, and we must provide services to their women as other counties did for us. I bring this up, because it is important to remember that before services can be coordinated they must exist. Wife battering is so prevalent, its repercussions so severe that we must as a society make our intolerance for violence against women as widely known as our intolerance for illegal drugs and street violence.

In a few minutes you will hear from a member of our staff who had at one time received agency services. Hers is not a pleasant story for any of us who believe in coordinated approaches to family violence, but it is illustrative of the type of response many victims and their children have historically received. I am pleased to say that we are making tremendous strides in Schuylkill County, but these changes have come about because of the priority attention policy makers heading other systems have given appropriate domestic violence intervention. As an example, that Pennsylvania law now requires police to refer victims to available serviced eliminates our need to convince each department, or officer, of why its a good thing to do.

Domestic violence programs already struggle to do so much with so little. We are always operating in a catch-22. We know that there are still many women in our county unaware of services, but we lack the resources to publicize them more extensively because we are not prepared to meet increased service requests. Even as efforts like Project VIP become successful, we watch groups of women receive services from the project staff instead of individuals receiving those services. It has also become impossible for us to accompany victims through every step of the criminal process and when you remember our selling point to the police for the project, you can readily see how a program's inability to meet the growing demand for services can undermine hardwon progress. Domestic violence agencies must out of necessity

participate in coordinated approaches to ensure the efficient use of limited resources, and more importantly enhance the safety of victims. We cannot, however, be expected to be responsible for coordinating those community services.

As mentioned previously, we had hoped that opening of the county's first shelter would represent a major hurdle in ending violence against women in our community. But as we watched women come into shelter with two, three, or more children who had also been traumatized, we knew that shelter was in many ways only a band-aid cure when considering the future of these children. Even after five years of operating a shelter facility we only have a 16 hour/week Children's Advocate available to assist the children of violent families. I am almost ashamed to even call this a Children's Program, but this is not only our embarrassment, it is one that we as a nation share.

Additional, we have attempted to initiate prevention programs in the schools, similar to what the Rape Crisis Center provides, but do not have the resources to do so. Because we had understood that funding for this effort would become available for 1994/95, we solicited school districts to determine if they were interested in making such a program available to their students. With more than twelve districts wanting the project, we had to notify them in August that we could only test-pilot in one school because the funds still have not been allocated. Again, we over-extend ourselves even agreeing to test the program in one school.

On behalf of our agency and those we serve I want to thank the Senate Judiciary Committee for your committed leadership in addressing the epidemic of violence against women in our country. We also want to specifically thank Pennsylvania Senators Specter and Wofford for their support of the Crime Bill and our U.S. Representative Tim Holden for his courageous decision to support the Bill despite its unpopularity with a few of his constituents. Victims and administrators alike thank you for your efforts, and for championing a coordinated approach to ending domestic violence.

The CHAIRMAN. Thank you, Ms. Casey.
Ms. Semerod?

STATEMENT OF MARY BETH SEMEROD

Ms. SEMEROD. I want to underline what Sarah just said. It is very important to me to be here today, and it is refreshing after 11 years of this work to hear your staff talk about your commitment, so thank you. And I say that not just as a person representing victim services, but as a person representing survivors, and also as a mother of a daughter. So I hope that the future, as Sarah said, will be a hopeful one for us.

The CHAIRMAN. I am counting on it.

Ms. SEMEROD. I know that Sarah has talked about our community from which we came, so I won't go over that. But I need you to remember, then, what the climate was like back in 1982.

The CHAIRMAN. I am from Lackawanna County.

Ms. SEMEROD. Well, then you know what the climate was like—hard-working and hard-drinking people. But at the same time, what happened, I think, in that area is there was somewhat a sense of despair, and there is also this sense that we are immune to problems, especially social problems such as rape.

So back in 1982, what happened was two high school teachers saw, in working with two students who were teenagers who were raped, what the pain of sexual assault was like, and they brought that emotional message to the table and called law enforcement and medical people and social workers and other school administrators and challenged them and said, do you realize that these children not only do not have any support services available to them, but that no one is really reaching out to them to help walk them through the court system? They have no information about what to

do, and their peers and the people in the community are really isolating them and even blaming them for what happened.

What happened out of that community meeting was our first board of directors, and I was very proud to be able to be a part of entering the scene in May of 1983 as the first director. I say that to you because even in the formality of this room, this is an emotional crime, and I think the only way we are really going to make a change in this is to confront the fear with information.

I say that because I can always sense when we do programs that when people hear the word "rape," you can almost see them leave the room because they become so desensitized, I think, because they are afraid and they don't like that feeling. So I thank you for allowing us to talk about emotions here today.

When we began the agency back 11 years ago, it was at a time when sexual assault services had just begun, approximately 15 to 20 years. We all know what Susan Brownmiller talked about it in her book "Against Our Will," but the main point that I want to make is that at that time victims were not seen in a respectful manner. Victims were not supported.

One thing we learned when we opened our doors is that there was no typical victim. We thought that we would see women between the ages of 18 to 35. What we learned is that we saw men and we saw a lot of children, and we continue to see not just victims of the present, but a lot of victims of the past. In fact, adult survivors of incest make up most of the clients with whom we work.

As an individual who had worked in social services, I feel somewhat ashamed in the way that social services reacted to victims in the past. I think that the crime was minimized. I think that in a lot of ways it was denied, and fortunately I felt pleased that the victim services movement highlighted how painful this issue is and how important it is that services be provided directly for these individuals.

Statistics are boring, but statistics are good because sometimes they open people's eyes. You heard what our population is in our county. It is approximately 153,000 people. Last year, we served 700 clients and provided them with 6,500 hours of direct service. To me, in an area as small as Schuylkill County, that is important to remember. There are victims of sexual assault there.

Our agency is now a comprehensive victim services center, so we have expanded our doors to meet the needs of not just victims of sexual assault, but also violent crime victims, with the exception of domestic violence. The point is that it is not what we thought, and one of the things that I think has helped Sarah and I the most is that our services met the needs of our community. If there is ever to be established some model, I think that is what other communities will need to do, is get to know who your clients are. Listen to your victims because they will teach you what you need to do, and I think with that in mind that is where we have tried to direct our services, both in the past 11 years and also where we will go in terms of the future.

The agency itself has two missions, and they were the two missions that those two high school teachers brought to the table. First, let's get some counseling for these individuals, and that is a

key role that we play. We provide 24-hour crisis intervention counseling, both individual and group; victim advocacy; court, medical, and police accompaniment; but also education, and I know that that is really what I need to impress upon you today.

By the way, Senator Biden, we would be pleased if you ever want to go to a school with us. I think that what you are concerned about is real. The attitudes that exist in the schools right now are not that different than 20-plus years ago.

Just to give you an idea, and it was in my testimony—in fact, most of my staff are here, but the one staff member who is here is the woman who has done our prevention education programs. Last year, she reached, alone, 13,000 children by providing 508 school programs, everywhere from preschool up to high school. The topics that she covered included everything from a basic definition of what is abuse, into the complexities of what is date rape, what is incest, what are healthy means of coping if you have been victimized. She talks about rights and boundaries of individuals and what are healthy and appropriate sexual and social behaviors.

We need to say the words to children. What is happening is we can't control what is going on outside, and what happens too often is that children are being exposed to situations that they are not mature enough to handle. So unless we educate them, we are going to lose them. But the thing that really, significantly, we are finding is the attitudes reflect what the attitudes were when I was in grade school and high school.

We did some pre- and post-tests. This is a very nonscientific study, but we asked the students some basic questions just to see, first of all, if they were really getting the message of what we were saying, and then we asked them some particular questions to see the attitudes that they were developing as a result of our programs.

The children understand what you are saying. They got the basic idea, but when you gave them scenarios—and by children I mean middle and high school children—when you provided them with scenarios, that is where we saw the problem. Seventy percent of the students held victims responsible—

The CHAIRMAN. These are 70 percent of those whom you spoke to?

Ms. SEMEROD. That is right.

The CHAIRMAN. This is not a survey?

Ms. SEMEROD. No; this is just the children that we went in and saw in our middle and high school programs. We did this pre- and post-testing.

Seventy percent of those children, after the programs, held that victims were responsible in abusive situations if that individual had prior knowledge that their assailant was violent in the past. In other words, if you dated somebody whom everyone knew was violent, then you asked for it.

Seventy-five percent of students felt that victims are responsible in situations in which alcohol or other drugs are used. Ironically, in 70 percent of all the cases we see, both adult and children, alcohol and other drugs have played a role. So does that mean that, again, we are seeing victim-blaming?

Eighty-five percent also reported that girls are responsible for what occurs on a date. To me, this was a big reminder that the Rhode Island study is what really is out there—the evidence that there needs to be a major change in attitude because we strongly believe that attitude change is where behavior change will begin.

One of the things that I think we need to look at in terms of the service provider is where does intervention take place. Do we wait and pick up the pieces once a victim calls us, or do we need to backtrack an awful lot and not just do education in the schools, but educate the entire community? I think that the panel that preceded us really emphasized that, but who will do the training?

We are private, nonprofit, grass-roots efforts that took a longtime to establish our credibility in the community and sometimes we are overlooked, and I think where we need support is so that we can build up our staffs so that we can increase our own marketability, you might say, so we can get the message out there.

We have worked extensively in the community with police and the judicial system and other human service providers, and we will continue to do that, but it would make it much easier for us if we had the additional support so that we didn't have to sacrifice our own crisis services in order to go out and spend time on community cooperation and coordination.

One of the other points—and in speaking with Judge Kramer, he really highlighted this, but unfortunately didn't bring it out when he was speaking. A lot of times when you look beyond the problem of sexual violence, you realize that most of the people that we work with were victims not once, but many times. In other words, a lot of times adults who are victims as adults, we find in working with them through counseling that they had been victims numerous times in their lives and it all started in their childhood.

The other thing is many times in working with child victims, a child walks in the door as the identified client and in working with them over time we find that not only was that child sexually assaulted, but their mother was, and many times their grandmother was. So, there, it expands what our focusing of counseling is, not just victim issues, but also parenting issues, and we are working not just with individuals, but families.

So I guess my plea to you is, yes, funding is going to help us remain focused not just on crisis issues, but on maybe somewhere in the future making a big change in this problem itself. We truly want to do ourselves out of business. All of us believe strongly that we empower victims, but your support empowers us. So we are already committed; we just need to be sure that we are not the only ones committed.

[The prepared statement of Mary Beth Semerod follows:]

PREPARED STATEMENT OF MARY BETH SEMEROD

The picture of sexual victimization has undergone considerable changes in the past 15–20 years. The concept of the "typical victim" has been traded for a broader definition that crosses age, gender, class and scenario. Society struggles to understand sexual violence and many traditional human service providers that once denied or minimized its effects have become enlightened. However, in spite of these small steps, the myths surrounding sexual violence continue to be perpetuated and stand in the way of further progress. What is even more alarming is that these myths may become facts that are accepted by the next generation. A truly violence

free society will depend upon significant changes in attitudes and behavior that stem from a basic understanding of what constitutes abuse.

National, State, and Local statistics provide us with a frightening picture of the increasing number of cases of sexual assault/abuse each year. However, we need to become more aware of the complexities of this picture. Sexual violence is not an isolated issue. Its deep roots often originate with lack of basic information about sexuality, rights and boundaries, and sometimes the absence of a family model of healthy relationships. Individuals struggling to cope in the aftermath of victimization find themselves confronting feelings of powerlessness and fear so intense that any means of relief or comfort may appear to be an option. Too often, the methods of coping may include self destructive behaviors that shelter the lives of victims, family members and loved ones.

Certainly intervention is the key, but at what point? Do we wait until we are confronted with more victims and then, as victim service providers, focus upon picking up the pieces; or do we attend to this issue as a past, present, and future concern. Our mission to "address the needs of victims" needs to be redefined to include early intervention and prevention education. Our definition of client must be expanded to include not only those victimized but those at risk.

The Rape Crisis Center of Schuylkill County is located in northeastern Pennsylvania and serves a population of approximately 153,000 people. However, today we represent not just a rural victim services center but voice the concerns of thousands of men, women, and children whose lives were traumatized by sexual violence. What did they need? They needed counseling, support, advocacy, and information; but most importantly they wanted to prevent this from ever happening again to them or anyone else. We need to learn from the wisdom of these individuals. Prevention efforts are an integral part of our mission and an essential part of our children's future. If statistics prove correct, and one in four girls and one in seven boys will be victimized by age 10 years, compounded by factors such as alcoholism and other drug use, can we really discount the importance of prevention education?

Our agency's prevention program reached over 13,000 children in the last year. 508 programs were presented to children from preschool through high school levels. The information included a focus on a basic understanding of appropriate/inappropriate sexual and social behavior, individual's rights and boundaries, self esteem and healthy coping. However, we discovered that basic information may not be enough. Pre and post tests distributed to the middle and high school age students within this county provided some alarming results. 75 percent of the students felt that victims are responsible in situations in which alcohol/other drugs are used by the victims or offender. 70 percent of the students held victims responsible in abusive situations if that individual had prior knowledge that their assailant was violent in the past. In addition, 85 percent reported that girls are responsible for what occurs on a date. These attitudes are a painful reflection of attitudes and myths from the past that we hoped had been eliminated. Does this infer that discussion of sexual violence is not taking place at all, or are we clearly seeing the denial and misinformation that currently exists about this sensitive issue? If behavior reflects attitudes, is this the key point at which we need to intervene with education and discussion?

Prevention education goes far beyond our school based programs, and is intricately connected to our direct support services. Every client with whom we work reaffirms the fact that the cycle of abuse is a reality. Every day, centers such as ours provide support services to child victims only to learn that their mothers and grandmothers were also victims. Therefore, we find that our staff are working not just with individuals, but also families; not just with victimization but also parenting. Over the past eleven years we have struggled to establish a place for victims in this country. The success of our program has been possible only by developing a close working relationship with the law enforcement departments, judicial system and other human service agencies. We need to challenge the mistakes of the past and continue to address this issue. The members of this panel each represent individuals and agencies taking responsibility to address this overwhelming issue but we need your support and your commitment to succeed.

The CHAIRMAN. Well, I can assure you that we recognize how committed you are and have been. I can also assure you that the overwhelming fight and most difficult task I have had in the last 5 years on this legislation is on the point that you have emphasized most, and that is that we have to change attitudes.

Whenever I start talking about changing attitudes, red flags go up all over the place. Red flags go up in the various communities,

various interest groups, various individuals, because immediately what comes to mind is the notion that social engineering is going to be undertaken by the Federal Government, and government is going to take over family, basic personal relationships, and the like.

The single most important part of this legislation to me—and this is one of the few things that I can say without reservation that I wrote from the beginning to the middle to the end alone—when I say alone, I mean there were a lot of people helping—was the provision creating a civil rights cause of action.

The whole purpose of that is to empower women to not have to rely on the State, to not have to rely on the county, to not have to rely on the government, to not have to rely on the Criminal Justice System as their only outlet. We beef up that part of the process in this legislation, but I want women to be able to say, notwithstanding the fact that the Attorney General may have dropped the case or the district attorney may have dropped the case or the police have not gone forward with it, I can sue my husband, and I can sue him and take him to court and I can take his house, the portion that is his, I can take his car, I can take his bank account, I can take his property, if I can prove, not by a reasonable doubt, but by a preponderance of the evidence, that he has, in fact, violated my civil right to be let alone. That is why it is so important.

Quite frankly, many of the women's organizations haven't even figured out how critically important that is because it is the one thing that no longer requires anybody at all to be any part of the process. If a woman cannot find help and she is fortunate enough to be aware of this right, she can just flat go to Federal court and make her case, and not a criminal charge.

She also can, and is emboldened to, and the whole process is to give you more tools available to you to enable her to see her way through the criminal process and the rehabilitative process to try to put her life back together again. Attitudes, in my view, will only change when women are empowered to be able to not have to rely upon anybody.

It is interesting. Cynthia Hogan of my staff, the chief counsel of my staff, prepared an outline that eventually turned into a speech for me reminding me as a lawyer that centuries ago it was the victim who was the centerpiece of the criminal process. The victim was the one who brought the charge. The victim was the one, in 13th and 14th and 15th century England—our jurisprudential system is based upon the English model—who would hire the judge to hear the case, and go out and hire the sheriff to arrest the person who victimized them, and so on. The cases used to be *Smith v. Jones*, not the *Commonwealth of Pennsylvania v. Jones*.

The reason the change took place was unless you had money, standing and position, you could not bring a case against your perpetrator because you couldn't hire the sheriff or the judge, or whomever. Now, that was a good idea, except in the process the victim ended up being left out of the process, with no ability to be made whole psychologically or in any other way.

So, now, because of the overwhelming caseload, the caseload you talked about Ms. Casey, you no longer have enough people to assist on an individual basis the people who go into the courtroom. The district attorney's and the Attorneys General, depending on the ju-

risdictional breakdown of the State, don't have—I mean, they have hundreds of cases; they don't have enough prosecutors to do it.

So what we found is that many times, and I know this from my days as a trial lawyer, the victim would be notified after the fact that, by the way, we nul prossed the case, we dropped the case, even when the victim wanted to go forward, or we plea-bargained, and the victims feel totally powerless to be able to do anything at all.

So I think the single most important piece of this legislation, whether or not it is used to its fullest extent, is to spread the knowledge and the information to victims that they can, on a totally independent basis, bring a case against, and threaten the pocketbook of, their abuser.

What we found in our hearings—you said, Ms. Semerod; you said you found when you looked at the victims and you looked at the perpetrators, they didn't fit the mold you expected them to fit. They were all over the board. There are as many on a percentage basis doctors and lawyers and business people who abuse and who rape as there are derelicts, drunks, and malcontents out there who do.

I tell you, if you want to get someone's attention, take what they own, take what they own. That is the part that worried everyone about this legislation. That is the part that worried them, and that is the part I feel it is my obligation and the Justice Department's obligation to inform you all of because it has never happened before. Never before in our society have we ever done something like this.

So all of you are going to be getting from the Justice Department packets explaining not only the part that helps you in the process of doing what you do better by giving you more funding, but also so you can further inform your clients, if you will, the people coming to you for help, that, by the way, have you ever thought of suing him and taking a piece of his business, taking a piece of the rock, if you will? So this whole thing is about empowerment, it seems to me.

One of the things that startled me when I started this process years ago was how many women blame women who are victims. You would kind of expect men to be that way. Remember the young woman who was a model in New York City who had her face slashed? She came and testified here a couple of years ago, and I thought I had heard most of everything I was going to hear, as I am sure you do. Every once in a while, something happens. You thought you have seen it all and then something else comes in the door and you say, my God, that teaches me a little humility. I mean, I thought I really understood this whole area.

She said that the thing that startled her most was her female friends who blamed her. They said, why did you go down to that bar to meet with that landlord? What were you looking for? She said, well, the bar was in the building that he owned, the place where my apartment was, and he had been harassing me to go out with him, but he told me this was to settle my account.

A young woman from the University of Pennsylvania heading up a victims organization for rape victims, but more generally date rape, pointed out she was a student at a small college in western Pennsylvania. She showed up her freshman year during the ori-

entation period and went to a bonfire for the first football game. Her roommate's boyfriend walked her home and it was a chilly night. She stopped by his dormitory because he said he wanted to pick up a coat. He pulled her into the dormitory, into his room, and he raped her.

She went back to her dormitory and said the first thing she did was take a scalding shower. She went and sat on her bed, sobbing. Her floor mates came in, and the senior adviser, the upper classman who was the dormitory adviser for that floor. She told her story. She said the dormitory adviser said, you have been raped, and she said, I said to her, no, I knew him.

So you are right. We have got to change attitudes, and that is the whole purpose of this effort, is to change attitudes. That is why my staff asked you to talk about the education piece of this process to change attitudes so our children begin to change their point of view.

I would like to ask you all a couple of questions, but first let me point out to you, again, Ms. Semerod, to make the point to you, the way this legislation is written—and I would like you to take home a copy of this—for rape education and prevention grants and rape crisis centers, the way the thing will work is we have, more than I think almost any other legislation that has ever been written, especially of this consequence and size, focused on nonprofit organizations because we recognize the expertise.

You said you hope you are just not forgotten in the process. You are the center of the process. For example, the purpose is to provide rape prevention and education seminars, hotlines, training, information materials, and counseling. The way you apply is the States have to apply through a block grant approach, but the application process—they have to submit plans that meet a certain number of requirements, but the terms are it is 100 percent Federal funding and States get an allocation out of this total amount of money based on their population, and at least 25 percent of the money spent has to be spent and targeted to deal with students, middle school, junior high, and high school students.

The States have to hold public hearings on proposed uses for the grants, and nonprofit organizations are the preferred route. Now, the State can set up these, if they are willing to do it, and fund more themselves, but you know the experience you have had with that. So you are the place.

With regard to shelters, the process is that at least \$720,000 of the total funding has to go to shelters, and \$45,000 in the first year has to go for technical assistance in how to set these up. One of the things we want to avoid is being subject to criticism that we put this money out there and it goes to shelters that are not worthwhile, Ms. Stauffer, the shelters that, in fact, you went to 10 years ago or 18 years ago and you said, oh, my God, this is no help, I can't be here, this doesn't function, it is not clean, it is not wholesome, it doesn't work for me, I don't feel secure, et cetera.

So what we don't want to do is we don't want to be in a position where we spend Federal dollars and allow our critics to suggest that it was wasted, that it didn't make any sense. Again, we look to nonprofits here to lead the way because you have led the way so far. So if it is any consolation, my view is that the most likely,

immediate sources of distribution of this help are going to go to established organizations that are nonprofits in most cases that are doing the work that all three of you are now doing.

The reason I asked you, Ms. Casey, how did you get to the point where you convinced the local prosecutor to provide space and then the local court to provide space is because I do think attitudes are changing.

Ms. CASEY. I think so, too, Senator.

The CHAIRMAN. I think awareness is changing, and I think one of the reasons why you need as many advocates as you now need, and cannot meet the need, is you have demonstrated that you have a service that is worthwhile. Women like Ms. Stauffer are now coming forward, where they didn't before, and there is a whole hell of a lot more there than we ever thought there were and you are being overwhelmed by it, I think.

I am stating that as a conclusory statement, but is that your experience?

Ms. CASEY. Yes, I think that that is certainly it, but we need to know what is on the horizon, aside from feeling overwhelmed. I have to tell you, when we were contacted by our State coalition they told us that part of what you really wanted us to talk about was the importance of coordinating services, which we certainly do in our county, and see as just critical if you are really going to provide quality services. But what we really need is the funding to deal with just the onslaught of victims that are coming forward.

The CHAIRMAN. What I don't want to have happen—and, again, I stand to learn a lot more than I already know about this process, but what I don't want to see happen, and I admit it is selfish—I have poured so much, like you have, effort into this that I think it would be such a crying shame if this is not a first installment, as opposed to the last installment, on where the Federal Government goes and, quite frankly, either sensitizes, embarrasses, emboldens, whatever, State and local governments to get more into the act here.

I mean, it is amazing, and I am not speaking to any particular governor, but governors always come down here and pass two resolutions when they meet in their national governors conference. One, you irresponsible Members of Congress, balance the budget. And, two, you irresponsible Members of Congress, send us more money because we are not doing our job.

Now, the reason for the coordination that we want to focus on is what you have all said to me and what my experience has been in speaking with others who do the same kind of work you do, that if you isolate a single service you seldom get to the point where the woman needs the advocate to go through the process with her.

The people who are going to benefit and the organizations that are going to benefit most from this legislation, I predict, are those that benefit the community most, and they are going to be the people who have one-stop shopping, the people who are going to be able to say in one fell swoop that when Ms. Stauffer, 10 years ago, in the state she was in—and how long have you been out of that relationship?

Ms. STAUFFER. Since 1989.

The CHAIRMAN. Since 1989, OK, and you were in it for 18 years, or thereabouts?

Ms. STAUFFER. Yes.

The CHAIRMAN. So if, in 1999, this is working as it is supposed to around the country, Ms. Stauffer will be in a position where she will leave that house and call the police. They will have a sheet; they will tell her the names of seven people she can contact immediately. Immediately upon your contacting the police, you either get a phone call or a visit that same night. As they take your husband away in handcuffs to be arraigned, you have someone on your doorstep saying, now, by the way, Ms. Stauffer, here is what we can do immediately for you. We want you to know there is a place to go right here. If he is let out on bail and you feel insecure here, we can take you right down, with your children, to such-and-such a place.

You get there and you have someone saying, by the way, there is an outfit Semerod runs over here that has counselors who do this, and there is an outfit that Casey runs over here that does the following things. Like you said—I thought your statement was chillingly antiseptic and effective where you pointed out in a very clinical way that every place you went people said, it is your fault, go on back, go back and be a better wife, be more of a supplicant, don't make him angry.

The reason for the coordination is that I am fearful, if we don't do it that way, it is not going to work. The places it works best are the places that do the kinds of things you do.

Ms. CASEY. Yes, Senator. I think the only thing I am concerned about is who is responsible for seeing that the coordination happens. I mean, for the last 2 years we have had as a goal that we wanted to see a community-wide task force established in our community. Were the courts going to come up with this? No, not in our community. Were the police? No; it is going to be us.

Yes, they respond, but it continues to be us that has to take the initiative. And we are fortunate that we are in a community where they do respond, but it is very hard for us to continue to take initiatives, especially with something that is a pretty monumental task when we are overwhelmed.

The CHAIRMAN. I understand what you are saying. Let me make it also clear that one of the things that we do in here in terms of, if you will, the enticement—the enticement for the police to get the help that they want—and this is a very basic thing which is not an answer to anything; it is just, in my view, a help, the proarrest policy. If they don't initiative a proarrest policy, fine; they don't get as much money. They don't get money to hire that many more cops, they don't get money to hire additional district attorneys, they don't get money to hire more judges, and the list goes on.

So the best we can do under our Federal system is encourage them, out of their own self-interest, to participate in the process. But one of the things that is happening that you three have done, and tens of thousands of women like you around the country, is you have changed the face of this. You have taken it out of the closet. Your successors are not going to have the fight you had because now people are embarrassed not to cooperate.

If you are a local judge running for office in Schuylkill County and Sarah P. Casey and Mary Beth Semerod were to hold a press conference and say, by the way, I want everybody to know we went to Judge—I had better not pick a name that may actually be in the county—we went to Judge Smedlap—I hope there is no Judge Smedlap. This is a fictitious name, OK?

We went to Judge Smedlap and said we need help and he turned us down; he said that is not my problem. And, by the way, Chief so-and-so—we went to him or her and said we need help, and they said, no, that is not our problem. And, by the way, we called the governor and no one in the governor's office answered the phone. I promise you, you will get a phone call from all three of those people in about 12 seconds. You know that.

Ms. CASEY. Yes.

The CHAIRMAN. That is what you have done. That is a big, big, big deal. That is the only reason I have any hope that this help that we—Senator Hatch, myself, and others—and this really is one of the few, I think it is fair to say, bipartisan pieces of this bill, and you are going to get attention.

Now, the States have a lot of obligations under this process. If they decide not to cooperate and if they decide they don't want to participate, well, I acknowledge the process is doomed.

I have been given a note here. There is \$800 million in general grants to States to split the money 25 percent to prosecutors, 25 percent to police, 25 percent to victim services. So, that is where you are in game; we wrote you into the game. But you are right that hopefully the way this would work best is for the local mayor in Pottsville—Pottstown—excuse me.

Ms. CASEY. Pottsville.

The CHAIRMAN. Pottsville. I am sorry. I was right the first time.

Ms. CASEY. We are sensitive about that.

The CHAIRMAN. Yes, you should be, and I understand it—Pottsville, to call together a task force, have a public hearing, get this moving. But my point is even if he or she does not, because you are written into this and because you have had to struggle so hard to get up and running, you have learned a lot that a lot of organizers don't know.

You know—and I mean this in the best sense of the word—you wouldn't have survived and been as successful had you not learned which buttons to push. This gives you a lot more buttons.

Ms. SEMEROD. Thank you.

Ms. CASEY. Yes, it does.

The CHAIRMAN. It gives you a lot more buttons, and I don't mean that in a negative sense because I think you are going to find that the desire for cooperation—we are empowering people. You have—not me—you have begun the empowerment process. And it sounds stupid, but the mere fact that all these hearings—how many hearings have I held on this subject? Do you have any idea? On the last page of this book, they tell me they have listed just the number of hearings we have had held. Probably half of those hearings have been televised on C-SPAN, and maybe more. They make a difference when people hear you.

That is why I think one of the biggest pieces of this is a little like almost every other movement that has been successful in this

country, and that is I can remember—and excuse the comparison—I can remember as a kid in ninth grade turning on the television in Delaware, a State segregated by law, to our great shame, up until 1956, and seeing Bull Connor set his dogs loose on a group of peaceful protestors, black women and men, marching in Birmingham, AL, and it electrified a country, it mobilized a country. Probably the best thing, in a perverse way, that was ever done was Bull Connor. Well, the media has been helpful to us in this regard.

I will end with this, but I have more women, Sarah, come to me who are 55 years old, not 25 years old, and say thank you. These are the women who stayed 25 years, Judith, and 30 years, with no place to go. I just think the message is getting out, but I really think we have got to communicate to our kids, the young people.

The Rhode Island study, you and I have referenced a thousand times. Probably, in every basic plea for help you have made, you have referenced that study. I probably mention that study, God, I don't know how many times. I was going to do it again, but I won't. You know, 80 percent of the students said that a man has a right to force on his wife. Seventy percent said that he did if the couple was engaged. Sixty-one percent said force was OK if the couple had already had sexual relations. Thirty percent said force was justified if the man knew that the woman had had sex with another man or if she was drunk.

The appalling answers don't stop. Twenty-five percent of the boys said—these are junior high school students—it was OK to force sex on a girl if the boy had spent \$10 or more on her, and an astounding 20 percent of the young girls agreed with that. Something is wrong, something is wrong, but also I am confident, because of people like you, something is changing.

It is true, Ms. Semerod, that when you were in grade school, and I was, and I am much older than you, things were not markedly different than they are today, but I really think this is the cusp of things beginning to change. I have a daughter. My daughter has been conditioned by me and my wife from the time she has been old enough to listen of what the appropriate boundaries are for anyone, a boy or a girl, to deal with her in any physical way. Hopefully, it is helpful.

I wrote some legislation that is now law requiring colleges to actually have courses at the beginning of the orientation period, if they want Federal funding, to outline it. You think about it and you think it is crazy that you would encourage colleges to get Federal funding at the beginning of the school year to say, by the way, this is appropriate behavior and this isn't. The fact that we are now talking about is different. We hardly talked about it 10 years ago, and I give you all the credit for it.

I won't take any more of your time, but I would like you to do two things for me, if you will. Allow me and the staff to—and by the way, I am given a lot of credit for being devoted to this issue, and I am, but I want to tell you something. The staff on both sides of this aisle—this is not something they do lightly. This is the reason why the bulk of the legal staff that works here took salary cuts of between \$30 and \$60,000 to take their jobs—that is more money than most people make in a whole year—not everyone, but those

who had been out of school, had been practicing law, and came back, because this is something they believe in.

One of the things you can help us with most as this process goes—you are going to be like our panel-back poll, if you will. As the process begins for the applications, we want this to be user-friendly for you and we have got to figure out how it works and how hard it is. This is a formal invitation to both of you as heads of two distinct organizations to let us know whether or not not just your local people, whom you should let know, and Senator Wofford, who has been a phenomenal help in this, as has Senator Specter, who took some political risk to vote for this legislation, but to let us know whether or not it is getting to you, whether or not it is cumbersome, whether or not it is user-friendly for you to be able to get the assistance you need.

This isn't written in stone. I have no pride of authorship in the sense that if there is a better way to do it we can't change it. You have a willing Congress right now. You have a committed President on this issue right now and this is the time for us to make this work.

Again, I want to thank you for being here. The one thing I have the hardest time convincing people of in terms of its utility—I don't have much trouble when I go out in the community and say we need shelters. They all go, well, yes, that makes sense, I am for that. These aren't people who are victims themselves. These are citizens who are fortunate enough not to be in this circumstance. I say we need more prosecutors, and they say, yes, I can understand that. I say, well, we need more judges and we have got to prioritize these cases, and they say yes.

Then you get down to the last one, we need to educate, and they go, what, educate? How are you going to do that? It is not so much that I think the average citizen is worried that we are going to inculcate some alien values or antimale or antifamily—I don't think that is the major worry.

There is a skepticism, because of the difficulty of the education system working on anything, that these won't be wasted dollars. I think that is going to be our hardest sell, but I happen to think it is the second most important piece of this legislation.

Ms. SEMEROD. We will know in 10 years.

The CHAIRMAN. We will, but as you know, I guess it was—was it John Stuart Mill, or someone, who said in the long run we will all be dead? Unfortunately, 10 years is a lifetime in a system where we are going to have to find and be able to show tangible proof that spending \$1.6 billion has been worthwhile.

The other thing about the people in Pottsville and in Schuylkill County and Lackawanna County and New Castle County, where I live, is they work awful hard for their money, and so we have got to produce for them—we—I mean up here.

So, anyway, I formally invite you to contact this staff as this thing goes forward to let us know whether it is working for you or not working for you, because if it is not working for you, it is not going to work for the system and we are not going to deliver the product that we are suggesting we will be able to deliver, and that is a safer environment for more women.

Like you said, Ms. Casey—or I don't know which one of you said it—I look forward to the day when you will go out of business. You will never go out of business, unfortunately, but I look forward to the day where you have fewer needs for your assistance and there is a greater certainty that if you are contacted you can help.

Thank you, Ms. Stauffer. I know you have probably told your story a number of times, but it is still different to come before a Congressional committee, with these lights and television cameras, and sit there and do it with as much grace and ease as you did it. I know it is not easy. I don't know firsthand, but I can't imagine that it is easy.

Ms. STAUFFER. I am honored to be asked and to be able to have the opportunity to present it in this kind of forum.

The CHAIRMAN. Well, you do it very persuasively.

Is there anything you would like to ask me before we shut down and let you get back home, now that I have got you right in the teeth of the traffic? One thing for certain is the traffic is a little different in Pottsville. That is the only thing I can tell you.

Ms. CASEY. It is worth it to be here, Senator. We really thank you for giving us this chance.

Ms. SEMEROD. Thank you very much.

The CHAIRMAN. Well, thank you.

We are adjourned.

[Whereupon, at 4:13 p.m., the committee was adjourned.]

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